

Staff Correspondence Reader File #1: Rev 2000

51832-145-1



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 18, 2000

To: Interested Applicants:

The Chesapeake Bay Critical Area Commission is seeking to fill a Natural Resources Planner IV position. The position is responsible for reviewing development proposals along the shoreline of the Chesapeake Bay and its tidal tributaries and working closely with local governments and landowners to ensure protection of water quality and wildlife habitat in the Critical Area. The selected candidate must possess excellent oral and written communication skills and have a background in environmental regulation, land use or natural resources management.

The interview will last approximately 3 - 3 ½ hours. It will include an oral component of 1 - 1 ½ hours; a timed writing component of 1 - 1 ½ hours; and an environmental analysis component of 30 - 45 minutes.

Please notify this office if you would like to be considered for an interview by submitting a State application and resume by July 31, 2000 to:

Chesapeake Bay Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Attn.: Ms. Shirley Bishop

Materials may be sent by fax to: (410) 974-5338 or email to sbishop@dnr.state.md.us

If you send materials by fax or email, you are responsible for making sure they have been received in complete and readable form.

Sincerely,

Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

If you are not interested in being considered for an interview, please return this notice to the Chesapeake Bay Critical Area Commission by July 31, 2000.

I am not interested in being considered for an interview for the position of **Natural Resources Planner IV** with the Chesapeake Bay Critical Area Commission.

Signature: _____

Date: _____

You may also contact us by fax or email.

Fax: (410) 974-5338

Email: shishop@dnr.state.md.us



Judge John C. North, II
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Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Office Movers, Inc.
Mr. James Durfee, Vice President
6810 Deerpath Road
Elkridge, MD 21075

RE: Claim for Damages from Office Movers' Move of the Chesapeake Bay Critical Area Commission on May 13, 2000

Dear Mr. Durfee:

I am writing on behalf of the Chesapeake Bay Critical Area Commission (CBCAC) to present a claim for damages to certain office equipment which was dropped by Office Movers employees.

A. EVENTS

On March 24, 2000 Office Movers, Inc. contracted with the Chesapeake Bay Critical Area Commission to move its office furniture and equipment to the CBCAC's new office space in Annapolis, Maryland. The move took place on May 13, 2000. During the course of the move, employees of Office Movers dropped two personal computers (PCs), two color monitors, and a color printer approximately five feet off of the back of Office Movers' truck onto the concrete parking lot, due solely to Office Movers' negligence. On this day Michael Niels, an Office Movers employee, informed Veronica Moulis, the Administrator for CBCAC, that the Office Movers personnel had dropped the personal computers, monitors and color printer. The items sustained visible damage from the impact of the fall.

B. THE CONTRACT

Before deciding on a moving company, Ms. Moulis contacted several companies with experience in moving offices. The CBCAC contracted with Office Movers, Inc. because of the written representations the company made about its experience, abilities and insurance coverage for damaged items. The contract provided to the CBCAC included promises that Office Movers would "abide by all industry standards at all times." In particular, the February 28, 2000 contract

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. James Durfee
July 10, 2000
Page 2

proposal from Mr. Niels promised the "most professional service our industry has to offer." Moreover, the company's proposal emphasized that Office Movers provides "**Full Market Value Insurance Coverage: We accept complete responsibility for all items in our care including high value electronics.**" (Emphasis added). The following paragraphs from the company's contract proposal are particularly pertinent:

In performing a relocation, Office Movers, Inc. is fully insured and assumes complete and total liability for all items, including furniture and electronics should they sustain visible damage while being handled or transported by our personnel.

This comprehensive policy covers the repair or replacement of damaged items at full-market value as necessary. This is our corporate commitment to assure your satisfaction....

There is no additional cost to the Chesapeake Bay Critical Area Commission for this coverage. It is our corporate policy to provide complete insurance coverage for commercial and industrial moving (Emphasis original).

In reliance on these explicit promises, the CBCAC chose Office Movers to handle the move.

C. OFFICE MOVERS' RESPONSE

After the CBCAC move, Ms. Moulis worked with Jo Insley of the Kane Company in order to reach an equitable solution to the problem of the damaged computers, monitors and printer. On May 23, 2000, Ms. Insley informed Ms. Moulis that Kane would offer two options to the CBCAC: (1) an attempted repair to the damaged equipment; or (2) a monetary amount which reflects a grossly depreciated value for the PCs and printer. Neither of these options is acceptable. First, based on our research into the effect of repairing a PC which has been damaged during a five-foot fall onto concrete, we have found that there is no reputable company which will guarantee that the "repaired" PCs would function the same way they did prior to the drop. Even Gateway, the manufacturer of the PCs, refused to provide a guarantee on repair for equipment damaged in this way. Upon obtaining this information, Ms. Moulis immediately informed Ms. Insley that the repair remedy was unacceptable. Likewise, Kane's monetary offer is unacceptable because the amount offered would purchase only equipment vastly inferior to that damaged by the negligence of Office Movers.

The CBCAC was very concerned about hiring a company that would move its office equipment and furniture safely. The PCs, monitors, and printer are among the most critical pieces of office equipment, as they contain very sensitive data and are a vital part of our operation. Therefore, the CBCAC expected to have the PCs, monitors and printer arrive at the new office in

the same condition they were in before they were moved. This is a legitimate expectation based on the representations made by Office Movers, Inc.

D. DAMAGES

The specifications of the damaged equipment are:

- 1) Gateway E4200 450 PC w/ 19" color monitor - \$2,483.00
 - Motherboard - TABOR
 - Processor - Pentium III 450 MHz
 - Memory - 128 MB RAM 100 MHz SDRAM (expandable to 384MB)
 - Video Card - ATI AGP
 - Floppy A Drive - 1.44 MB 3.5"
 - Floppy B Drive - 100 MB ZIP
 - Hard Drive #1 - 13 GB EIDE
 - CD-ROM Drive - Mitsumi 13X/32X
 - Monitor - VX900 19" Color Monitor (18" viewable area)

- 2) Gateway E3000 200 PC w/ 17" color monitor - \$1,620.00
 - Motherboard - B-MAN
 - Processor - Pentium 200 MHz
 - Memory - 32 MB RAM (expandable to 256MB)
 - Video Card - ATI Rage II BM
 - Floppy A Drive - 1.44 MB 3.5"
 - Hard Drive #1 - 4 GB EIDE
 - CD-ROM Drive - Toshiba 13X/32X
 - Monitor - EV700 17" Color Monitor (15.9" viewable area)

- 3) HP DeskJet 890CXI Color Inkjet Printer - \$345.11

The total cost of damaged equipment: \$4,448.11.

The specifications and cost of new equipment of comparable capability are:

- 1) Gateway E4200 650 PC w/ 19" color monitor - \$2,158.00
 - Operating System - Microsoft Windows NT workstation 4.0
 - Processor - Pentium III 650 MHz
 - Memory - 128 MB 100 MHz SDRAM (expandable to 384MB)
 - Video Card - ATI RAGE 128GL 16MB AGP Graphics
 - Floppy A Drive - 1.44 MB 3.5"

Mr. James Durfee
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Hard Drive	- 20GB 7200RPM Ultra ATA
Network Card	- 3COM PCI 10/100 Twisted Pair Ethernet w/WOL
CD-ROM Drive	- 20X min./48X max. CD-ROM drive
Monitor	- VX900 19" Color Monitor (18" viewable area)

2) Gateway E1400 500C PC w/ 17" color monitor - \$1,434.00

Operating System	- Microsoft Windows 98 Second Edition
Processor	- Intel Celeron Processor 500 MHz with 128K Cache
Memory	- 64 MB SDRAM (expandable to 256MB)
Video Card	- Integrated Intel 3D direct AGP graphics w/4MB Cache
Floppy A Drive	- 1.44 MB 3.5"
Hard Drive	- 15GB Ultra ATA
Network Card	- Integrated Intel 10/100 Twisted Pair Ethernet w/WOL
CD-ROM Drive	- 12X min./24X max. CD-ROM drive
Monitor	- VX700 17" Color Monitor (15.9" viewable area)

3) HP DeskJet 890CXI Color Inkjet Printer - \$345.11

The total cost of replacement for damaged equipment: \$3,937.11.

Thus, the total demand for the damages suffered by Office Movers' negligence is: \$3,937.11.

E. RESOLUTION

The CBCAC reasonably expects to be put back in the position that it was in prior to the negligent actions of Office Movers, Inc. The only way to achieve this goal is for the CBCAC to have the broken items replaced by equipment that has the same capabilities.

Accordingly, the CBCAC seeks replacement of the goods damaged by your company's negligence. Replacement of the equipment with equipment that has at least the same capabilities as the items that were dropped would provide an equitable resolution to this matter. Moreover, the representations made by your company and the contract terms provide that replacement is a reasonable expectation for the CBCAC.

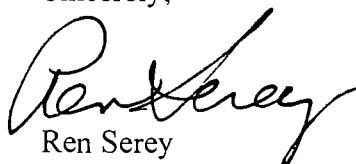
In closing, we propose to resolve this matter by subtracting the cost of replacement equipment from the contract price. The contract price for Office Movers, Inc. to move the CBCAC is \$4,220.00. The cost to CBCAC for replacement equipment is \$3,937.11. Therefore,

Mr. James Durfee
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if we do not hear from your office within the next 10 business days, the CBCAC will send a check to Office Movers, Inc. in the amount of \$282.89 for full satisfaction of your invoice and of our claim.

I look forward to your prompt and favorable response to this letter.

Sincerely,



Ren Serey
Executive Director

Cc: Veronica Moulis, Administrator, Chesapeake Bay Critical Area Commission
Marianne Mason, Deputy Counsel, Office of the Attorney General



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-3460 Fax: (410) 974-5338

July 7, 2000

Dr. David W. Inouye
Rocky Mtn. Biological Lab
P O Box 519
Crested Butte, Colorado 81224

Dear Dr. Inouye:

I am writing this letter at the request of Claudia Jones, a student in the Sustainable Development and Conservation Biology Program at the University of Maryland, College Park. As Claudia explained it to me, the graduate program that Claudia is in has a requirement for graduation of completion of an internship with an organization or agency involving natural resources policy or conservation. It is my belief that Claudia has more than met this requirement through her work with the Maryland Department of Natural Resources.

Claudia is currently Science Advisor for the Chesapeake Bay Critical Area Commission. She has been in this position since 1994. The Critical Area Commission is a 27-member Governor appointed body that oversees the State's Critical Area Program, a state program implemented at the local government level for the conservation and protection of natural resources as well as the management of growth around tidal waters and tributary streams of the Chesapeake Bay. In that capacity she provides technical expertise to Commission members, staff, and local governments on water quality and natural resources issues. This may be in the form of letters or lengthy research documents about a specific issue. She is also called upon to provide "expert witness" testimony to local planning and zoning boards on issues related to wildlife and water quality impacts in the Critical Area.

Her position requires knowledge of physical and biological systems, wetland and terrestrial ecology and fish and wildlife biology. It is also very helpful that she has a knowledge of planning, zoning and subdivision regulations.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Dr. Inouye
July 7, 2000
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As I understand it, the reason for requiring your students to complete an internship is to provide them with experience in their field and to introduce them to potential job contacts. I believe that Claudia already has that experience and those contacts.

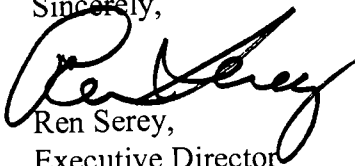
For example, Claudia has recently been involved with the development of a Conservation Landscaping Seminar Series for landowners interested in conservation issues in the Chester and Corsica River watersheds (see attachment). She assisted with the planning, lining up speakers and has also spoken at several of the sessions. She worked on this project with the U. S. Fish and Wildlife Service, the Natural Resources Conservation Service, the Chester River Association and Adkins Arboretum. From what I understand, the series has been quite a success. They are going to be holding a similar conservation series in other watersheds.

Claudia has also just completed a major undertaking with the Critical Area Commission in relation to the Commission's guidance paper "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area". I believe this is what she is using as the basis for the paper requirement in her degree program. This document was recently approved by the Commission as official guidance for local governments and landowners for the protection of forest interior birds in Maryland's Chesapeake Bay Critical Area. Claudia sheperded the document through a process that began well over a year ago. To get to this point, Claudia had to coordinate with others in the Department of Natural Resources, Commission members, local government representatives, conservation organizations and the scientific community.

I believe her job with the Commission, as well as these other accomplishments demonstrate that Claudia has much experience and many contacts within the conservation community. The Commission provides many varied opportunities to be involved with conservation issues, land-use, local governments, and science. In fact, one of your students, Roxanne Bogart successfully completed an internship with our office during the summer of 1995, working primarily on the issues of wildlife corridors under Claudia's direction.

If I can be of further assistance or if you have questions please do not hesitate to call me at the above number. I can also be reached by e-mail at rserey@dnr.state.md.us.

Sincerely,



Ren Serey,
Executive Director

RS/jjd

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 20, 2000

The Honorable Dean L. Johnson
City Hall
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Buffer and Variance Provisions in the Annapolis Chesapeake Bay
Critical Area Program

Dear Mayor Johnson:

At its regularly scheduled meeting on June 7, 2000, the Chesapeake Bay Critical Area Commission discussed the status of the local Critical Area Program for the City of Annapolis. The Commission discussed in detail the fact that the City has not submitted the comprehensive review of the local Program or the required amendments to Sections 21.67.060 E and 21.67.150 of the City Code as set out in my letters to you and Mr. Jon Arason of February 8, 2000.

We understand from Mr. Arason that the Council members are not in agreement about the Buffer Exemption provisions in the draft ordinance. Please be assured that Buffer Exemption language is optional in a local program. Perhaps the Council should consider a less extensive version of the Buffer Exemption program if it believes that is in order. However, the revised variance language, which will be stricter than the current provisions, will apply in those areas not designated Buffer Exempt.

Mr. Arason explained that the City Council was reviewing the package of amendments and invited our staff to the Council's June 28th work session. He requested in the interim that the Commission modify or remove sanctions which prevent the Board of Appeals from granting variances that would result in disturbance to the Critical Area Buffer. The Commission was concerned that modifying the sanctions would leave it and the City vulnerable to legal action in the event an adjacent property owner appealed the approval of a variance. Therefore, the only option remaining was to remove the sanctions completely, as Mr. Arason requested. The Commission members believed such action was not appropriate at this time considering the uncertainties surrounding local approval of the amendment package.

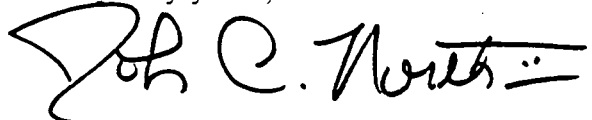
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The Honorable Dean L. Johnson
June 20, 2000
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At Mr. Arason's invitation, our staff will be available at the work session to answer questions. I must emphasize however, that the Commission is anxious to receive the City's amended Critical Area program as soon as possible. If you have questions or need additional information, please contact Mr. Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II". The signature is written in a cursive style with a horizontal line at the end.

John C. North, II
Chairman

cc: Mr. Jon Arason
Marianne D. Mason, Esq.
City Council Members

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 16, 2000

Dr. David Brownlee
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

Re: Institute for World Peace

Dear Dr. Brownlee:

I am writing in response to your questions about the use of growth allocation for the Institute for World Peace Conference Center proposed in Calvert County. You said that the Institute decided to forego further consideration of expanding the Critical Area and instead would explore a development easement on the adjacent property to the north. We discussed the Critical Area Commission's policy on growth allocation and provisions in the policy to minimize deductions when adjacent lands are under protective easement. I would like to make a few observations in that regard.

As you know, the site contains habitat for forest interior dwelling birds. Thus, the adequacy of protection measures is relevant both to the County's approval of growth allocation and this Commission's consideration of a local program amendment. The Critical Area Commission members will want to ensure that a development easement acquired to minimize the use of growth allocation provides sufficient protection for this listed Habitat Protection Area. The existence of an agricultural easement on the adjacent property should not preclude the applicant's ability to emplace another, more restrictive easement, on the same property. However, in addition to an easement, the Commission will be concerned that the site plan for the developed area affords protection to the habitat in regard to the location of buildings, parking lots, septic fields, the amount of forest clearing or thinning proposed and establishment of a minimum 100-foot Buffer from the tributary stream. The presence or absence of Threatened or Endangered Species also must be documented by the Department of Natural Resources. Therefore, it is possible that the subcommittee's review of a subsequent development proposal will result in reservations substantially similar to those expressed at its meeting last week.

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(410) 822-9047 Fax: (410) 820-5093

Dr. David Brownlee
June 16, 2000
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I hope you are able to forward this information to the Institute's representatives. We are available to meet again to discuss these issues further if you think that is appropriate.

Sincerely,



Ren Serey
Executive Director

Cc: Mr. Frank Jaklitsch
Mr. Greg Bowen
Ms. LeeAnne Chandler



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-3460 Fax: (410) 974-5338

June 15, 2000

Mr. Steve Magoon
Department of Planning and Growth Management
P.O. Box B
La Plata, Maryland 20646

Re: Growth Allocation: Uses in the Resource Conservation Area

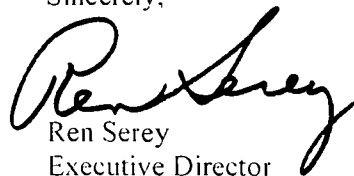
Dear Mr. ^{Steve}Magoon:

I am writing in regard to our conversations over the past several weeks concerning the proposed operation of a sawmill by Mr. Calvin Rupard in Bryans Road. On June 7, 2000 the Chesapeake Bay Critical Area Commission's two standing subcommittees met jointly to discuss growth allocation and the use of Mr. Rupard's property for commercial or industrial purposes. The Program Implementation and Project Evaluation Subcommittees determined that Mr. Rupard's proposed sawmill would require growth allocation from the Board of County Commissioners.

At the meeting, Mr. Zak Krebeck described the site's zoning and natural features as well as the County's procedures for review of site plans and building permits. The subcommittees also heard from Mr. Rupard concerning his plans for the sawmill and the site. As you know, the Commission's membership includes many local elected and appointed officials. They were sympathetic to Mr. Rupard's situation but believed that growth allocation was appropriate in this instance. Significant factors in their decision were the commercial nature of the sawmill and the fact that the draft package of Critical Area amendments under review by the County Commissioners calls for growth allocation for sawmills of this type.

Please contact me if you have questions or need additional information.

Sincerely,


Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 15, 2000

Mr. Ken Usab
Andrews, Miller & Associates
508 Maryland Avenue
Cambridge, Maryland 21613

Dear Mr. Usab:

I am writing to provide you with information about the Chesapeake Bay Critical Area Commission's request for a briefing on the Cambridge Hyatt Chesapeake Bay Resort to a group of visitors from Japan. The group will be traveling through Maryland from Washington, D.C. on July 6, 2000. They contacted the Department of Natural Resources and asked specifically for presentations about the Critical Area Program. The scientists, engineers and planners in the group are particularly interested in protection of aquatic and terrestrial resources during the planning and construction of shoreline development projects. I have been informed that there will be approximately 24 visitors. However, I think that the addition of interpreters as well as guides from our staff will make the total number visiting Cambridge closer to 30. We will travel by bus from Annapolis. I anticipate that we will be in Cambridge from about 1:00 p.m. until about 3:00 p.m. on July 6th.

At your suggestion, I will inquire into a meeting room at the new Social Services building, where perhaps you could outline the overall project and then focus briefly on the following:

- stormwater management techniques you evaluated or have employed on the site;
- wetlands protection efforts, either through avoidance or mitigation;
- the relationship of the blue heron rookery to the overall project and the special protection features you developed;
- protection of aquatic resources, such as fish, shellfish and submerged aquatic vegetation;

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Mr. Ken Usab
June 15, 2000
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- any particular concerns you addressed related to the design and location of the marina;
- decisions related to the siting of the hotel, golf course and various residential components;
- the federal, state and local agencies with which you coordinated;
- other general or specific goals for the project or challenges you faced in adjusting to the site.

I know the group would be pleased if they could visit the site after your presentation, and I certainly understand that our movement there would be limited due to the construction activities. We would greatly appreciate any view of the area that you could provide.

If you need more information about the group or our goals for the trip, please let me know. You can reach me at (410) 260-3462. Thank you for your consideration of this request.

Sincerely,



Ren Serey
Executive Director

cc: Judge John C. North, II, Chairman



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 14, 2000

Mr. Frank A. Jaklitsch, Director
Calvert County Department of Planning and Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Institute for World Peace, Expansion of the Critical Area

Dear Mr. *Frank* Jaklitsch:

Last Wednesday, June 7, 2000, a joint subcommittee of the Chesapeake Bay Critical Area Commission discussed the possibility of extending the Critical Area on the property considered for development by the Institute for World Peace. I am writing to convey the discussion and bring certain issues to your attention.

As you know, during our meeting in Annapolis last month we discussed the Critical Area Commission's policy for extension of the Critical Area beyond the 1,000-foot statutory area. In general, the policy requires any extension to be justified by benefits to water quality or plant and wildlife habitats. The Commission must make findings that the additional resource protection offered by a proposal to extend the Critical Area exceeds any potential detriment from development allowed.

Dr. David Brownlee and a representative from Advanced Associates presented the site plan to the subcommittees. Subcommittee members expressed concern over how the development envelope was drawn and whether or not any land remaining would retain the character of the Resource Conservation Area. They also had questions as to the justification for extending the Critical Area and the logic behind the boundaries of the added land.

Commission staff presented an alternative design for this site which provided for the proposed use and all of the buildings, yet it preserved the existing habitat protection areas. In particular, the alternative provided a 300-foot Buffer from the tributary stream and the Bay. Not only are these areas important from a water quality standpoint, but they are vital to the forest interior dwelling bird habitat on this site.

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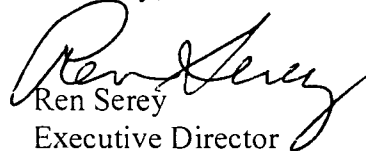
Mr. Frank A. Jaklitsch
June 14, 2000
Page 2

The subcommittees appeared receptive to the County's proposal to extend the Critical Area if the stream was protected by 300-foot Buffers along its entire length. Under the alternative scenario, it seemed possible to avoid using growth allocation for the entire acreage of the property and deduct only the development envelope. The alternative design was given to the representative from Advanced Associates to consider in making revisions to the site plan.

Regardless of the decision to extend the Critical Area and the amount of growth allocation necessary for this project, there are two habitat protection issues I would like to bring to your attention. First, as documented in the wetland report prepared by McCarthy & Associates, Inc., there is a tributary stream on this property. Tributary streams within the Critical Area require minimum 100-foot Buffers. Due to the topography of this site, the Buffer will require expansion in accordance with the County Zoning Ordinance. These Buffers are not provided on the site plan. Second, this property contains habitat for forest interior dwelling birds. Conservation of such habitat is required within the Critical Area. As presented, there has been no effort to conserve the habitat on the site.

I bring these two issues to your attention because they will have to be addressed at some point. Any site plan revisions may change the amount of growth allocation necessary for this project. The Subcommittees understand the importance of this project to the County and have directed the staff to assist in any way we can to ensure these issues are resolved prior to consideration by the full Commission. Please contact me at (410) 260-3462 if you would like to discuss this matter in further detail.

Sincerely,


Ren Serey
Executive Director

cc: Dr. David Brownlee
David Bourdon
LeeAnne Chandler
Marianne D. Mason, Esq.

MEMORANDUM
June 7, 2000

TO: Project and Program Subcommittees

FROM: Ren Serey

SUBJECT: Charles County - RCA Uses: Sawmill

We have invited representatives from the Charles County Department of Planning and Growth Management and the owner of a proposed sawmill to meet with the Critical Area Commission's Project and Program Subcommittees and discuss issues related to growth allocation. The sawmill is proposed in the Resource Conservation Area (RCA) on land zoned for agriculture and residential uses and which allows certain industrial uses by right. The sawmill is designated an industrial use in the Charles County Zoning Ordinance and is permitted on this parcel.

The County staff continues to work on the comprehensive review of its Critical Area program. Sawmills are listed as requiring growth allocation in the draft section on RCA uses, as discussed with the Program Subcommittee in April. We have advised the County that even under the current program, the clearly commercial nature of the sawmill will require growth allocation if permits are issued.

The sawmill itself is relatively small and can be operated by a crew of two or three. It is a band saw, which the owner, Mr. Cal Ruppert, intends to use for specialty woods brought to the site. The sawmill is capable of cutting logs up to 30 feet in length. Approximately two acres of the County's 1,100 acres of growth allocation would be necessary for this use including the operating area and access roads. Mr. Ruppert estimates that 10-12 trucks per week would bring logs to the site and take out the cut lumber. He would construct a small open-sided building on the site. The surrounding forest appears to be FIDS habitat, but this has not been confirmed by a survey. Mr. Ruppert would prefer to locate the sawmill in an area that would require new clearing; however, the sawmill currently sits in a cleared area which would seem to accommodate the use and minimize adverse impacts to FIDS.

June 7, 2000
Page 2

The site contains grandfathered residential lots. If the sawmill begins operation, Charles County intends to limit its long-term use to seven years. Ultimately, Mr. Ruppert expects to sell the lots for residential construction. The County would like to discuss with the Subcommittees the possibility of regaining its growth allocation when the sawmill use ceases. Whether this is possible or under what conditions has not been considered previously by the Commission. The Criteria do not mention temporary uses or the restoration of sites to an RCA character.

We look forward to discussing these issues with you on June 7th.

616



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 2, 2000

Mr. Jeff Torney
Department of Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Buffer Exemption Area Policies

Dear Mr. Torney:

I am enclosing copies of two Buffer Exemption Area Policies approved by the Chesapeake Bay Critical Area Commission on April 6, 2000. These policies are final and are available for inclusion into local Critical Area Programs. As you know, variations to the policies may be appropriate, but will require specific approval by the Commission. The printed versions will have illustrations, but the copies I have included contain the approved language.

Please contact me or Dawnn McCleary if you have questions or need additional information. Thank you.

Ren Serey

Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 11, 2000

Mr. Roby Hurley
Maryland Office of Planning
30186 Cods Point Road
Trappe, Maryland 21673

Dear Mr. Hurley:

I am writing to thank you for your excellent presentation on compliance with the "10% Rule" for residential properties at the recent Chesapeake Bay Critical Area Commission workshop. Your ideas, examples, and unique insight were informative and entertaining and emphasized the flexibility within the Critical Area regulations that allow the Commission to work effectively to meet the needs of various jurisdictions. Your presentation also illustrated the efforts of the Commission and the Maryland Office of Planning to utilize creative and innovative approaches to Critical Area Program implementation. Again, thank you for an excellent presentation.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

cc: Mr. Scribner Shafer
Mr. Larry Duket

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

May 11, 2000

Ms. Sandy Zelen
Enforcement Section
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

Dear Ms. Zelen:

Thank you for your excellent presentation on streams, wetlands, and the jurisdictional delineation process at the recent Critical Area Commission workshop. Your ideas and unique insight were informative and entertaining and emphasized the importance of interagency cooperation in identifying and protecting stream and wetland resources. The information you provided about the changes to the Corps of Engineers' regulatory approach was of great interest to local government planners and consultants and should help them in their site analysis and project evaluation efforts.

Your presentation also illustrated the efforts of the Corps and the Commission to work cooperatively to develop creative and innovative methods of preserving stream and wetland habitats. The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

cc: Ms. Linda Morrison

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

May 11, 2000

Mr. David Burke
Department of Natural Resources
Chesapeake and Coastal Watershed Service
Tawes Building, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr. Burke:

Thank you for your excellent presentation on the efforts of the Shore Erosion Control Task Force Forest at the recent Critical Area Commission workshop. Your ideas and unique insight about the work of the Task Force and their recommendations to address the problems of shore erosion in Maryland were informative and of great interest to local government planners. Your presentation also illustrated the efforts of the Department of Natural Resources to respond to growing concern about shore erosion and to seek methods of providing financial assistance to address this problem.

As you know, education and State agency support and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,

Ren Serey
Executive Director

cc: Ms. Verna Harrison

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 11, 2000

Mr. Robert Cuthbertson
Tidal Wetlands Division
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland 21224

Dear Mr. Cuthbertson:

Thank you for your excellent presentation on shore erosion control measures and the State approval process at the recent Critical Area Commission workshop. Your ideas and unique insight were informative and entertaining and emphasized the importance of interagency cooperation in identifying the appropriate shore erosion control measure for the site. The information you provided about the evaluation criteria used by the Maryland Department of the Environment was of great interest to the consultants and local government planners and should help both the planners and consultants in their site analysis efforts.

Your presentation also illustrated the efforts of MDE and the Commission to work cooperatively to develop creative and innovative approaches to shore erosion control and ultimately effectively implement local Critical Area Programs. Again, thank you for an excellent presentation.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

cc: Mr. Rick Ayella

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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May 11, 2000

Mr. Jim McCann
Department of Natural Resources
Wildlife and Heritage Division
Tawes, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr.  McCann:

Thank you for your excellent presentation on Forest Interior Dwelling Birds and biodiversity at the recent Critical Area Commission workshop. As always, your ideas and unique insight were informative and entertaining, and your skill at "reptile charming" will be remembered. I think many of the planners and consultants gained a greater understanding of vernal pool ecology and how conserving forest ecosystems is critical to maintaining biodiversity. Your presentation also illustrated the efforts of the Commission and the Heritage Division to work cooperatively to develop creative and innovative approaches to preserving habitat and to effectively implement local Critical Area Programs. Again, thank you for an excellent presentation and especially your continued support of our efforts to provide training to local government planners and consultants.

Sincerely yours,



Ren Serey
Executive Director

cc: Mr. Mike Slattery

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 11, 2000

Mr. Steve Stadelman
Maryland Forest Service
P.O. Box 1136
Prince Frederick, Maryland 20678


Dear Mr. Stadelman:

Thank you for your excellent presentation on forest composition and diversity at the recent Critical Area Commission workshop. Your ideas, insight, and hands-on approach were informative and entertaining, and you handled the varying levels of knowledge and experience of the audience skillfully. I think all the workshop attendees gained a greater understanding of how forests are evaluated and how forests affect the many ecological aspects of biodiversity in Maryland.

As you know, education and State agency support and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. Your presentation and the discussion out in the field illustrated that assistance to planners and consultants is available, and that there are a wide variety of strategies and techniques that can be used to protect, conserve, and improve forests within the Critical Area.

The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,


Ren Serey
Executive Director

cc: Mr. Kenneth Jolly

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

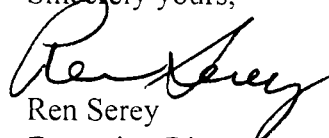
May 11, 2000

Ms. Kathy McCarthy
Department of Natural Resources
Wildlife and Heritage Division
Tawes Building, E-1
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Ms. McCarthy:

Thank you for your excellent presentation on forest structure and biodiversity at the recent Critical Area Commission workshop. Your ideas and unique insight about plant ecology were informative and entertaining, and I think many of the planners and consultants gained a greater understanding of the significance of conserving forest ecosystems. Your presentation also illustrated the efforts of the Commission and the Heritage Division to work cooperatively to develop creative and innovative approaches to preserving habitat and ultimately to effectively implement local Critical Area Programs. The Critical Area Commission staff and I thank you for your time and effort in making the workshop such a success.

Sincerely yours,


Ren Serey
Executive Director

cc: Mr. Mike Slattery

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 11, 2000

MEMORANDUM

TO: Judge North

FROM: Ren Serey

SUBJECT: Update on Funding Issues Related to Our Move to West Street

I am providing an outline of budgetary issues concerning our pending move to 1804 West Street.

As you know, our new location, the former Pepsi Bottling Plant, is in poor condition. It has been unused for several years and is being completely renovated for conversion as office space. Due to the lack of space elsewhere in the Annapolis area and the pressing need for our current space on Calvert Street, the Department of General Services (DGS) strongly urged us to accept the West Street site. Although we fully expect the new location to be satisfactory, DGS considerably underestimated the funds necessary for renovation and operation of the building as an office.

The annual lease, prepared by DGS at \$80,000, is significantly short of the actual rent, which will be \$115,000. DGS estimated our office space needs at 4,000 square feet. This figure did not include storage or meeting space. In our current location, we have access to storage bins in the basement and use of the Department of Budget and Management's meeting rooms. Four thousand square feet on West Street proved to be inadequate for these needs. Adjustments necessary to meet the City's building codes required other increases in floor space. The lease which the Board of Public Works approved is for 5,800 square feet. We will need an increase of \$35,000 in annual rent beginning in Fiscal Year 2001 in order to meet the obligations of the approved lease.

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(410) 822-9047 Fax: (410) 820-5093

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Memorandum
Judge North
April 11, 2000
Page 2

Construction costs have been higher than anticipated due to special circumstances associated with the building which, among other unusual features, has seventeen-foot ceilings. For example, we have had to use non-standard materials to retrofit the walls. This situation was unexpected and has been costly.

No funds were budgeted for installation of telephone lines and the provision of basic service. Telephone service at the new site will total \$40,000 in start-up costs. While this figure appears to be extraordinarily high, we were informed that the Energy Office, which recently moved from 45 Calvert Street to Forest Drive, spent \$39,000 to replace its telephone service in a building already in office use.

Similarly, there are no funds budgeted for installation of computer cables and the equipment necessary to connect us to DNR. Replacement of the basic computer capability we enjoy at our present site will cost \$18,700 plus a monthly service charge of \$560. These expenditures will allow us simply to maintain access to the State's centralized accounting and procurement system and to the Internet.

On our behalf, DNR submitted a request for approximately \$90,000 to be included in the Governor's supplemental budget. However, the request was not approved. I believe we have no viable option except to ask for its reconsideration.

Please let me know if you have questions or need additional information.

ge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 31, 2000

The Honorable Roy Dyson
James Office Building
Room 215
Annapolis, Maryland 21401

**Re: House Bill 1323 Natural Resources - Critical Areas - Reasonable
Accommodations**

Dear Senator Dyson:

The Chesapeake Bay Critical Area Commission supports House Bill 1323 which is scheduled before the Economic and Environmental Affairs Committee on April 4th. The bill authorizes local jurisdictions to amend their Critical Area Programs to provide reasonable accommodations for individuals with disabilities.

As you know, this subject was discussed with much enthusiasm at the Critical Area Oversight Committee's meeting last September. At that time, Judge North thought the Commission might oppose such a bill due to the expected breadth of its provisions. However, we believe HB 1323 as amended establishes a reasonable and workable method of bringing such issues to the Commission in the form of local program amendments. Through the bill we will be able to work with local jurisdictions to ensure that accommodations for individuals with disabilities are included in the regulations consistent with the spirit and intent of the Critical Area Act and Criteria.

Thank you for your guidance in these matters. If you have questions or need additional information about the Commission's position, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 31, 2000

Eric J. Blitz, Esquire
Webb & Blitz, L.L.C.
Suite 506 Heaver Plaza
1301 York Road
Lutherville, Maryland 21093


Re: Town of Chesapeake Beach, Ordinance 0-97-6

Dear Mr. Blitz:

I previously wrote to you regarding the resubmittal of Ordinance 0-97-6 to the Chesapeake Bay Critical Area Commission as a change to the Town of Chesapeake Beach Critical Area Program. My understanding is that this ordinance is the subject of pending litigation. Therefore, I believe it is appropriate for the Commission to await resolution of the litigation before taking any action concerning Ordinance 0-97-6.

If you have different thoughts on the matter, or if I may be of any service, please do not hesitate to contact me.

Very truly yours,


John C. North, II
Chairman

cc: Marianne D. Mason, Assistant Attorney General
Ren Serey

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 23, 2000

Mr. Bastian:

I received your resume and will distribute it as I meet people who might have job opportunities opening up. But, I can't remember if I directed you to the personnel office at the Department of Natural Resources.

Almost all jobs at DNR, including the Critical Area Commission's Natural Resources Planner positions, are filled through the eligibility lists. Your resume indicates that you would qualify for numerous classifications. So, if I didn't already suggest it, you should contact the Human Resources Division and ask them to match you with the appropriate lists. The number is 410-260-8080. You are welcome to call me at 410-260-7212 if you have other questions.

A handwritten signature in cursive script that reads "Ren Serey".

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ge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

MEMORANDUM

March 16, 2000

TO: The Honorable Barbara D. Samorajczyk
FROM: Ren Serey *RS*
SUBJECT: Anne Arundel County - Growth Allocation

I think the growth allocation figures that PACE is distributing are accurate. Our files show that the County originally had 917 acres of growth allocation, which is 5% of the County's 18,341 Resource Conservation Acre acres. Anne Arundel is one of four counties (the others are Baltimore, Harford and Prince George's) restricted by the Criteria and the Natural Resources Article in the use of growth allocation in the RCA. The County may use approximately 459 acres, or one-half of its 917 total acres, to change an RCA designation to either Limited Development Area (LDA) or Intensely Developed Area (IDA). The other one-half (459 acres) may be used only to change an LDA designation to IDA.

During the period from December 1, 1985 until local program approval in 1988, the County implemented an interim Critical Area program and approved 26 subdivisions which needed growth allocation for part or all of their sites. The Commission allowed subdivisions to go forward in all jurisdictions during this period if the counties were willing to use growth allocation for them. At the time of program approval, the County deducted the following acres for the 26 subdivisions:

To change RCA to either LDA or IDA:	381 acres deducted
	78 acres remaining
To change LDA to IDA:	356 acres deducted
	103 acres remaining

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The Honorable Barbara D. Samorajczyk
March 16, 2000
Page 2

I've attached the list of subdivisions and the acres deducted for each.

In the years since program approval, the County has used growth allocation sparingly. Our files match the County's and show that the current totals are:

To change RCA to either LDA or IDA: 58 acres remaining

To change LDA to IDA: 102 acres remaining

Please let me know if you have questions or need additional information.

ANNE ARUNDEL COUNTY GROWTH ALLOCATION - PROCEDURES AND CALCULATIONS

Use of Growth Allocation Before Program Approval

Grandfathered subdivisions approved after December 1, 1985, were counted against the growth allocation if they did not comply with specific Critical Area Criteria. Six subdivisions in this category were not counted against growth allocation because of compliance with many of the Critical Area requirements. The requirements that they met are described in footnotes to Table 1. A portion of the land in three other subdivisions was not counted against growth allocation because this land was greater than 20 contiguous acres and platted as open space, buffer area, wetland area, reserve area, or under easement. Land in these categories cannot be further developed or must comply with the full Critical Area Criteria in order to be developed in the future.

TABLE 1

DEVELOPMENT IN THE CRITICAL AREA APPROVED AFTER DECEMBER 1, 1985
 NOT SUBJECT TO BILL 42-86 OR BILL 90-86 WHICH REQUIRED
 FULL COMPLIANCE WITH THE CRITICAL AREA CRITERIA

Major Subdivision	Acreage Counted Against Growth Allocation		Acreage not Counted Against Growth Allocation	
	LDA	RCA	LDA	RCA
Belvoir, Section D ¹				5.75
Bluff Point	18.78	33.87		
Bodkin Point ²				167.08
Cedarlea		20.22		22.18
Chasewood Run I ⁸		23.4		74.23
Chandler Point		60.5		
Chesapeake Oaks	8.69	3.63		
Chesnut Hill Cove	76.37	11.44		
Dunkheld Manor	10.14			
Fishing Creek ⁴ Farm ³			133.75	63.3
Harbour Glen				53.2
Idlewilde Acres		3.5		
Poplar Point		73.5		
Riva Trace Section 4	27.0			
Shadow Point		19.33		
South Creek View ⁵				26.28
Stafford Estates	8.39			
Stonington	43.3			
Trinity Farms	1.45			
Ulmstead Cove	44.89			
The Village	10.1			
Water Oak Cove	6.1	8.1		
Water Oak Forest		25.68		
West River Plantation ⁶				57.87
Whites Cove Section 4		20.20		
Windfern Forest		21.32		
SUBTOTALS	<u>255.21</u>	<u>324.69</u>		
Minor Subdivisions	21.78	17.63		
Commercial Subdivisions	79.71	39.39		
TOTALS	<u>356.70</u>	<u>381.71</u>	<u>133.75</u>	<u>469.89</u>

FOOTNOTES FOR TABLE 1

¹Belvoir was limited to 20% clearing of woodlands, a community marina was allowed instead of private piers, wildlife corridors were provided, nontidal wetlands were protected, impervious surfaces were limited to less than 15% of the site, and a 100' buffer was provided.

²Bodkin Point was limited to 20% clearing of woodlands, wildlife corridors were provided, nontidal wetlands were protected, a 100' buffer was provided, impervious surfaces were limited to less than 15% of the site, and dredging of Ashlar Pond was prohibited.

³Fishing Creek Farm was limited to 20% clearing of woodlands, wildlife corridors were provided, only a community marina was allowed, partial reforestation was requested, a 100' buffer was provided, nontidal wetlands were protected, and dredging was prohibited.

⁴Harbour Glen was limited to 20% clearing of woodlands, wildlife corridors were provided, nontidal wetlands were protected, a 100' buffer was provided, impervious surfaces were limited to less than 15% of the site, only joint use piers were allowed, and dredging was prohibited.

⁵South Creek View was limited to 20% clearing of woodlands, only joint use piers were allowed, wildlife corridors were provided, nontidal wetlands were protected, impervious surfaces were limited to less than 15% of the site, a 100' buffer was provided, dredging was prohibited and a bird survey was done.

⁶West River was limited to 30% clearing of woodlands, wildlife corridors were provided, nontidal wetlands were protected, a 100' buffer was provided, a community pier was allowed instead of private piers, and dredging was prohibited.

⁷Cedarlea acreage of 22.18 acres was designated open space and nontidal wetlands.

⁸Chasewood Run acreage of 74.23 is a reserve parcel subject to the RCA criteria.

⁹Stonington's total development area and open space acreage was counted against growth allocation. This was revised from the original Growth Allocation - Procedures and Calculations packet

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 2000

The Honorable George W. Owings, III
Lowe House Office Building
Room 217
Annapolis, Maryland 21401

Re: House Bill 1323: Natural Resources - Critical Areas - Reasonable Accommodations

Dear Delegate Owings:

I am writing in regard to HB 1323, sponsored by Delegate Weir. Although the Commission initially thought that it would oppose legislation related to these matters, we believe the approach Delegate Weir has taken is appropriate. Judge North met with the Delegate this week and told him that the Critical Area Commission supported his bill in principle, but that we had concerns over its scope. Delegate Weir said he understood and indicated that he would accept the Commission's suggested amendments. I have attached them for your review.

If Delegate Weir incorporates these amendments, the bill would authorize local jurisdictions to amend their Critical Area Programs to provide reasonable accommodations for individuals with disabilities. The specifics would be left to the local governments. This is consistent with the Commission's recent approval of a change to the Talbot County program.

As you may remember, the Critical Area Oversight Committee discussed reasonable accommodations during its meeting last September. In January of this year, the Commission approved an amendment to the local Talbot County program which allows the Board of Appeals to grant variances in the Critical Area when necessary to make reasonable accommodations for persons with disabilities.

I believe that the Commission would look favorably on any local program amendment which included language similar to Talbot County's, which I have attached. But, I think flexibility is important and that is why Delegate Weir's bill, if it includes Judge North's suggested changes, seems to work well. Local jurisdictions likely will continue to modify their regulations as needs

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(410) 822-9047 Fax: (410) 820-5093

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The Honorable George W. Owings, III

March 15, 2000

Page 2

arise. The concern we identified in Delegate Weir's original bill is that it would place the burden on the Commission to approve any local amendment unless we conducted fact-finding hearings to show that the change would "fundamentally alter the nature of the program." That specific phrase is from the Americans With Disabilities Act and its meaning is currently under challenge before the Supreme Court. The Commission would prefer to avoid such entanglements, which Delegate Weir seemed to appreciate.

I hope that I have provided you with sufficient information to understand the Commission's position. Please contact me if you have questions or if you need additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ren Serey".

Ren Serey
Executive Director

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 14, 2000

The Honorable Michael H. Weir
Lowe House Office Building
Room 303
Annapolis, Maryland 21401

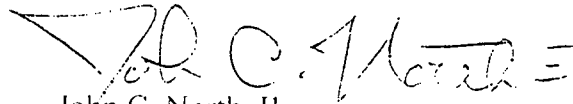
**Re: House Bill 1323: Natural Resources - Critical Areas - Reasonable
Accommodations**

Dear Delegate Weir:

It was good of you to meet with me yesterday afternoon. I have taken your suggestion and attached amendments to HB 1323 for your consideration. These amendments allow local jurisdictions to include provisions for reasonable accommodations in their Critical Area Programs. The change from your bill as drafted is in the placement of the new language. The provision now would appear in the Critical Area Act with the other listed elements of a local program. I believe this change carries with it your intended meaning.

Again, I thank you for your time and attention to these matters. Please contact me if you have questions or if I can be of further service.

Very truly yours,


John C. North, II
Chairman

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

1999 Legislative Session, Legislative Day No. November 9, 1999
Bill No. 741

Introduced by: County Council

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19, ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

By the Council November 9, 1999

Introduced, read first time, ordered posted and public hearing scheduled on Tuesday, November 23, 1999, at 2:15 p.m. in the Council Hearing Room, Courthouse, Easton, Maryland.

By Order Jessica Momz
Secretary

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

SECTION ONE: BE IT ENACTED by the County Council of Talbot County that Section 19.14(b)(7), Title 19. Zoning, of the Talbot County Code entitled "Reasonable Accommodation" shall be and is hereby repealed in its entirety and re-enacted as set forth herein.

(7) Reasonable Accommodation for the Needs of Disabled Citizens

(i) Purpose. Notwithstanding any other provision of this Ordinance, the Board of Appeals may make reasonable accommodations for the benefit of disabled citizens in the consideration of any final order or decision of the Planning Officer or any administrative appeal, special exception or variance. Reasonable accommodation for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in paragraph (ii) of this Section. Reasonable accommodations may only be approved following a review and recommendation by the Planning Commission, and final approval and authorization after a public hearing before the Board of Appeals.

(ii) An applicant/appellant shall have the burden of demonstrating by a preponderance of the evidence that:

[a] The existence of a disability within the meaning of the Americans with Disabilities Act;

[b] Literal enforcement of the statute, ordinance, regulation, or other requirement would (1) result in discrimination by virtue of such disability or (2) deprive the applicant/appellant of the reasonable use and enjoyment of the property;

[c] A reasonable accommodation would reduce or eliminate the discriminatory effect of the statute, ordinance, regulation, or other requirement or restore the applicant/appellant's reasonable use or enjoyment of the property;

[d] The accommodation requested will not substantially impair the purpose, intent, or effect of the statute, ordinance, regulation or other requirement as applied to the property;

If the property is located in the critical area, the accommodation would:

[e] Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or

[f] Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.

(iii) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to:

- [a] The purpose, intent, or effect of any applicable statute, regulation, or ordinance;
- [b] The size, location, nature, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
- (iv) Upon termination of the need for any accommodation, the Board of Appeals may require, as a condition of approval, that the property be restored to comply with all applicable statutes, ordinances, regulations, or other requirements.
- (v) Hearing Notice. Public notice of all applications and hearings shall be given in accordance with Section 19.14(b).
- (vi) Site Visit. A majority of the members of the Board of Appeals shall be required to visit the site before conducting the public hearing. However, the decision shall be based upon the evidence of record.
- (vii) Recommendation of the Planning Commission. Before making a decision on any application or appeal, the Board of Appeals shall obtain the recommendation of the Planning Commission. The Planning Commission's recommendation shall address the criteria in paragraph (ii) in this Section. The recommendation shall be considered by the Board of Appeals, shall become part of the record, but shall not be binding on the Board of Appeals. The Board may request from the Planning Commission such technical service, data, or factual information as may further assist the Board of Appeals in reaching a decision.
- (viii) New application after denial. Following the denial of a request for a reasonable accommodation, no application for the same use on the same premises shall be filed within one (1) year from the date of denial, except on grounds of newly discovered evidence.

SECTION TWO: BE IT FURTHER ENACTED by the County Council of Talbot County that Section 19.14(b) Power of Board of Appeals, Title 19. Zoning, of the Talbot County Code, is amended by changing subsection (6) to subsection (7) and subsection (7) to subsection (6).

SECTION THREE: BE IT FURTHER ENACTED by the County Council of Talbot County that this Bill shall take effect sixty (60) calendar days from the date of its passage.

By Delegate Weir

AMENDMENTS TO HOUSE BILL 1323
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 in line 4 strike beginning with “requiring” down to and including the semicolon in line 7.

AMENDMENT NO. 2

On page 1 in line 11 and in line 3 on page 2 in each instance strike “8-1809(k) through (s)” and substitute “8-1808(c)(10) and (11)”; and on page 1 in line 12 and in line 5 on page 2 in each instance strike “8-1809(l) through (t)” and substitute “8-1808(c)(11) and (12)”.

AMENDMENT NO. 3

On page 1 in line 15 strike beginning with “By” down to and including “Supplement)” in line 24.

AMENDMENT NO. 4

On page 1 in line 27 strike “8-1809(k)” and substitute “8-1808(c)(10)”.

AMENDMENT NO. 5

On page 2 in line 10 strike beginning with “(b)” down to and including the period in line 15 on page 3 and substitute:

“(c) At a minimum, a program sufficient to meet the goals stated in subsection (b) of this section includes:

(10) PROVISIONS FOR REASONABLE ACCOMMODATIONS IN POLICIES AND PROCEDURES WHEN THE ACCOMMODATIONS ARE NECESSARY TO AVOID DISCRIMINATION ON THE BASIS OF PHYSICAL DISABILITY;”



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 2, 2000

Mr. Denis Canavan, Director
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Dear Mr. Canavan:

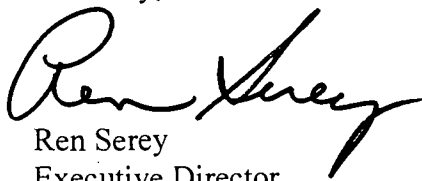
The Maryland Department of the Environment (MDE), has contacted our office concerning a potential development proposal at the Herrington Harbor South property. MDE inquired as to whether this area is currently mapped as a Buffer Exemption Area (BEA) under the Anne Arundel County Critical Area Program, and if so, how a BEA status would affect development of this site.

We checked the maps on file at our office and it appears this parcel is currently not mapped as a BEA under the County's Critical Area Program. It was the understanding of MDE staff that the property owner has applied for a BEA for this parcel. We have not yet received this application; therefore, we would like to know the status of this request and would also like to provide comments to the County concerning any proposal.

When the County adopted its BEA Program, the Critical Area Commission and the County agreed that the designation of new BEAs would not require that each application be approved by the Critical Area Commission. However, we did agree that all applications for BEAs would be submitted to the Commission staff for review and comment, and to provide the County with technical assistance.

Thank you for your time with this matter. I look forward to meeting you and as always, the Commission staff and I are available to meet with you at any time to discuss Anne Arundel County's Critical Area Program.

Sincerely,



Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 2, 2000

Marianne D. Mason, Esq.
Assistant Attorney General
Department of Natural Resources
580 Taylor Avenue
Tawes State Office Building
Annapolis, Maryland 21401

Dear Ms. Mason:

Re: House Bill 1323: Natural Resources - Critical Areas - Reasonable
Accommodations

I am writing to seek your guidance in a rapidly changing area of the law. As you know, legislation has been introduced in the General Assembly which would require the Chesapeake Bay Critical Area Commission to approve certain amendments to local Critical Area programs. HB 1323 contains the following language:

THE COMMISSION SHALL APPROVE A PROGRAM AMENDMENT THAT
ALLOWS FOR REASONABLE ACCOMMODATIONS IN POLICIES OR
PROCEDURES IN ORDER TO AVOID DISCRIMINATION ON THE BASIS OF
PHYSICAL DISABILITY UNLESS THE COMMISSION CAN DEMONSTRATE
THAT THE AMENDMENT WOULD FUNDAMENTALLY ALTER THE NATURE
OF THE PROGRAM.

I discussed HB 1323, and the above language specifically, with the Commission members at yesterday's regularly scheduled meeting. I am particularly concerned, as are they, that the bill places a heavy and unworkable burden on the Commission in its review of local amendments. If we must determine whether a proposal would fundamentally alter the nature of the program, I foresee the possibility of holding contested case hearings on a routine basis. Clearly, we are not set up to do this, nor was it envisioned that we would do so.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Marianne D. Mason, Esq.

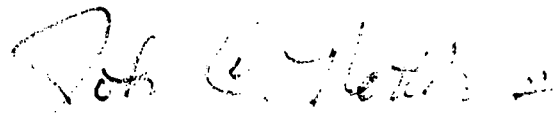
March 2, 2000

Page 2

I intend to meet with Delegate Michael Weir, the sponsor of HB 1323, to impress upon him the unfortunate consequences of his bill and to suggest that there are other, more appropriate ways to achieve his desired results. I would like to meet with Delegate Weir next week and would appreciate your thoughts on the implications of the bill at your earliest convenience.

Your advice is always well considered and helpful. I do appreciate it and thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. North, II".

John C. North, II
Chairman

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

TO: Local Jurisdictions in the Critical Area
FROM: Ren Serey, Executive Director, Critical Area Commission
RE: Critical Area Law Update
DATE: February 26, 2000

Enclosed please find the "Critical Area Law Update." There has been quite a bit of activity in the Maryland courts recently regarding Critical Area law, and we wanted to be sure that you had this current information. The full text of the opinions is available through our office and online at the web site referenced at the end of the update. If you have questions about how these decisions may impact your jurisdiction, please do not hesitate to contact me or my staff.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 15, 2000

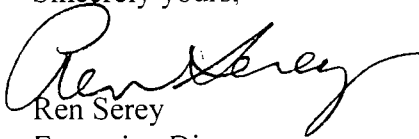
Mr. Ken Yetman
Department of Natural Resources
Chesapeake and Coastal Watershed Service
Tawes, E-2
580 Taylor Avenue
Annapolis, Maryland 21401

Dear Mr. Yetman,

Thank you for your excellent presentation on stream restoration at the recent MACO Planners meeting. Your ideas, examples, and unique insight were informative and entertaining and emphasized that a systematic approach can be used to accomplish complex and environmentally significant projects. I think many of the planners were very interested in how you have effectively used both volunteers and the Maryland Conservation Corps to assist your group with several large field survey efforts.

As you know, education and State agency support and technical assistance are important components of effective local land use planning and implementation and are essential to the success of the Critical Area Program. Your presentation illustrated that assistance to planners is available, and that there are a wide variety of resources available to assist local governments with their stream restoration efforts. Again, thank you for an excellent presentation.

Sincerely yours,


Ren Serey
Executive Director

cc: Mr. Larry Lubbers
Mr. Bill Jenkins

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 8, 2000

Mr. Jon Arason, Planning Director
Department of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Notice of Action pursuant to Maryland Annotated Code, Natural
Resources Article, Section 8-1809

Dear Mr. Arason:

This letter serves as notice of action taken by the Chesapeake Bay Critical Area Commission ("Commission") at its regular meeting on February 2, 2000, pursuant to Maryland Annotated Code, Natural Resources Article, Section 8-1809. The Commission voted to declare that the City of Annapolis Critical Area Program ("City Program") omitted certain provisions for Buffer expansion and the review of variances which are required in local Critical Area Programs by COMAR 27.01.09 and 27.01.10.

At its February 2, 2000 meeting, the Commission discussed the City of Annapolis Critical Area Program, and in particular, the City Program's provisions concerning the Buffer and the review and approval of variances. These provisions are found at Sections 21.67.060 E and 21.67.150 of the City Code, respectively. The Commission considered the City Program's provisions for the Buffer and for variances in comparison with the requirements of COMAR 27.01.09 and 27.01.11. This consideration occurred pursuant to the Commission's responsibility under Section 8-1809 of the Natural Resources Article, Maryland Annotated Code. After this discussion, the Commission voted (unanimously) on a Motion:

To invoke Section 8-1809 (l) (1); and

To determine that the City of Annapolis Critical Area Program has omitted the following requirements of the Commission's Criteria:

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(410) 822-9047 Fax: (410) 820-5093

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COMAR 27.01.09.01 C (7):

“Local jurisdictions shall expand the Buffer beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent.”

COMAR 27.01.11 A (1) and (2):

“In the preparation of local programs, local jurisdictions shall make provision for the granting of variances to these criteria where, owing to special features of a site or other circumstances, local government implementation of this subtitle or a literal enforcement of provisions within the jurisdictions’s Critical Area program would result in unwarranted hardship to an applicant. These variance provisions shall be designed in a manner consistent with the spirit and intent of this chapter and all local Critical Area program elements. The variance provisions shall, at a minimum, provide for the following:

That findings are made by the local jurisdiction which demonstrate that special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction involved and that a literal enforcement of provisions within the jurisdiction’s Critical Area program would result in unwarranted hardship;

That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.”

To notify the City of the deficiency; and

To request that the City submit a proposed program amendment or program refinement to correct the deficiency.

The specific changes necessary to correct these deficiencies are:

Add the following language to Section 21.67.060 E of the City Code:

3. The Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous steep slopes of 15% or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope or to the top of the slope, whichever is greater.
4. If the Buffer or expanded Buffer are impacted by proposed development, the applicant shall obtain a variance in accordance with the variance provisions included herein.

Repeal and replace Section 21.67.150 A and B of the City Code with the following language:

- A. Special conditions or circumstances exist that are peculiar to the land or structure involved such that a literal enforcement of the provisions and requirements of the City's Critical Area Program would result in unwarranted hardship;
- B. A literal interpretation of the provisions of the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;

This action of the Commission is intended to be, and is, an action of the Commission pursuant to Natural Resources Article, Section 8-1809 (1). As a result of this vote, the City shall submit to the Commission, as a program amendment or program refinement, any changes to the City Program necessary to correct the identified deficiencies. This submission shall be made within 90 days of the date of this letter. Also, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

Please be assured that the Commission took this action only after much deliberation and discussion. The reason for taking this action was to convey to the City the importance that the Commission has placed on the identified deficiencies in the City's Critical Area Program as cited in this letter, and the need to correct these deficiencies.

Mr. Jon Arason
February 8, 2000
Page 4

Please do not hesitate to call me or Ren Serey, the Commission's Executive Director, with any questions. We would be pleased to assist in any way possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. North, II". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John C. North, II
Chairman

cc: The Honorable Dean L. Johnson
Marianne D. Mason, Esq., Assistant Attorney General
Mr. Ren Serey



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 17, 2000

The Honorable Clarence W. Blount
Chairman, Economic and Environmental Affairs
Room 201
James Senate Office Building
Annapolis, Maryland 21401

- Re: Senate Bill 87** Zoning and Planning - Code Counties - Administrative Adjustments, Exceptions, and Conditional Uses
- Senate Bill 523** Land Use
- Senate Bill 624** Growth Management - Land Use Definitions and Controls

Dear Chairman Blount:

I am writing in regard to Senate Bills 87, 523 and 624 which are currently before the Economic and Environmental Affairs Committee. SB 523 properly includes assurances, at lines 23-25, that no changes are proposed to the Chesapeake Bay Critical Area regulations. SB 87, which deals with essentially the same subject matter, does not contain these assurances and, therefore, is troubling.

The Critical Area Commission has worked with local jurisdictions for several years to identify and implement streamlining measures and we will continue to do so. My concern with SB 87 is that in an attempt to provide flexibility to local governments, the bill appears to authorize development of new local regulations which may not be subject to Commission review for consistency with the Critical Area Act and Criteria. If need be, we would assert that local zoning changes affecting the Critical Area are subject to Commission oversight. However, as you can imagine, it would be preferable to avoid such a situation. That is why I support SB 523. If the committee recommends passage of SB 87, I would hope that the bill is amended to include the following language:

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093


The Honorable Clarence W. Blount
February 17, 2000
Page 2

NOTHING IN THIS SUBSECTION IS INTENDED TO AUTHORIZE A
LOCAL GOVERNMENT TO ABROGATE STATE-MANDATED CRITICAL
AREA OR SENSITIVE AREA REQUIREMENTS.

Finally, while it does not appear that SB 624 is intended to grant local governments general authority to alter zoning regulations, the bill nevertheless contains such provisions in the section applying specifically to Charles County. As is the case with SB 87, the important caveat regarding Critical Area regulations is absent. I suggest, as above, the inclusion of appropriate language in SB 624 to assure that Critical Area protections are held firm.

Thank you for your attention to these matters. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,


John C. North, II
Chairman

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 8, 2000

The Honorable Dean L. Johnson
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: City of Annapolis Critical Area Program Required Update

Dear Mayor Johnson:

I am writing in regard to the status of the City of Annapolis Critical Area Program. Section 8-1809 (g) of the Chesapeake Bay Critical Area Protection Act (Maryland Annotated Code, Natural Resources Article 8-1801 et. seq.) requires each jurisdiction with an approved Critical Area program to review it every four years and make necessary amendments. The City's program has been in effect since 1989. Since that date, the Maryland General Assembly has amended the Critical Area Act numerous times. Yet, the City has not updated its program to incorporate these amendments as required by state law.

Section 8-1809 (l) of the Act authorizes the Critical Area Commission to notify a local jurisdiction if its program contains clear omissions, mistakes or conflicts with Act or the Commission's Criteria for local program development. At its meeting on February 2, 2000 the Commission took action under this section of the Act to notify the City of two specific omissions from the City's program: (1) the required expansion of the Critical Area Buffer and (2) the standards for variances. I have attached a separate letter to Mr. Jon Arason describing the Commission's action. However, in lieu of taking specific action concerning other omissions, mistakes or conflicts which exist in the City's program, I am writing to you personally to apprise you of the serious nature of the current status of this issue.

Our staff and Program Subcommittee have been working with City staff for several years on a comprehensive program update. I understand that the required changes have been prepared but that legislation will not be submitted to the City Council for approval. If this is true, it is cause for concern.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

The Honorable Dean L. Johnson

February 8, 2000

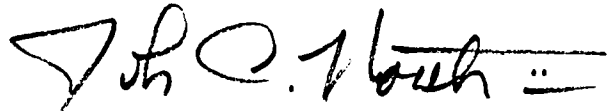
Page 2

I am advised that you have identified certain sections of the update relating to water-dependent uses as contrary to the best interests of the City's marina trades. I can assure you that no such outcome is intended. The Commission and City staff have developed a series of maps which identify most of the marina-oriented portions of the City shoreline as Buffer Exempt Areas. Within these areas, allowances are made for redevelopment and expansion of uses within the Critical Area Buffer.

If additional changes in the draft update are needed to address your concerns, I ask that you alert me immediately. I further request that the entire package of amendments to the City's Critical Area Program be submitted to the Commission following local legislative approval no later than May 1, 2000. If this submission is not forthcoming, the Commission is prepared to invoke Section 8-1809 (l) as necessary.

If you would like to discuss these matters, please contact me or Mr. Ren Serey, the Commission's Executive Director.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. North, II". The signature is written in a cursive style with a horizontal line underneath.

John C. North, II
Chairman

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 31, 2000

The Honorable Roy Dyson
James Senate Office Building
Room 215
Annapolis, Maryland 21401

Dear Senator Dyson:

On January 5, 2000 the Chesapeake Bay Critical Area Commission approved Talbot County Bill No. 741 as a refinement to the County's local Critical Area program. By this bill, which I have enclosed, the County Council provides local officials the means to accommodate certain needs of individuals whose disabilities are covered by the Americans With Disabilities Act. The Commission unanimously approved the County bill, recognizing that its standards and procedures satisfy both the spirit and intent of the Critical Area Act and Criteria.

I believe that local concerns have been appropriately recognized by the Commission's action. Please be assured that the Commission will make the provisions of Talbot County's bill available to all Critical Area jurisdictions for incorporation into their local programs.

If you have questions or need additional information, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".

Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 31, 2000

The Honorable Michael H. Weir
Lowe House Office Building
Room 303
Annapolis, Maryland 21401

Dear Delegate Weir:

On January 5, 2000 the Chesapeake Bay Critical Area Commission approved Talbot County Bill No. 741 as a refinement to the County's local Critical Area program. By this bill, which I have enclosed, the County Council provides local officials the means to accommodate certain needs of individuals whose disabilities are covered by the Americans With Disabilities Act. The Commission unanimously agreed with me that the standards and procedures incorporated by the County Council into Bill No. 741 satisfy both the spirit and intent of the Critical Area Act and Criteria.

I hope you will consider the flexibility that Bill No. 741 provides to persons with disabilities and to Talbot County officials in your review of any similar legislation in this year's session. I believe that local concerns have been appropriately recognized by the Commission's action. Please be assured that the Commission will make the provisions of Talbot County's bill available to all Critical Area jurisdictions for incorporation into their local programs.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "John C. North, II".

John C. North, II
Chairman

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 24, 2000

Mr. Richard T. Wilcox, Interim Director
Planning and Code Enforcement
2664 Riva Road
P.O. Box 6675, MS 6401
Annapolis, Maryland 21401

Re: Assisted Living Facility
Property of V. Peter Leimbach
3617 Forest Glen Road
Pasadena, Maryland

Dear Mr. Wilcox:

It is my understanding that Anne Arundel County may soon issue building permits for the above-referenced project. If such permits are issued, I will formally notify you under Md. Code, Natural Resources Article, Section 8-1815 (Chesapeake Bay Critical Area Act) that the County must deduct approximately 3.5 acres of its growth allocation to change the subject property's Critical Area overlay zone from Resource Conservation Area to Limited Development Area.

The Critical Area Act provides at Section 8-1815 (b) that:

Whenever the chairman has reason to believe that a local jurisdiction is failing to enforce the requirements of a program applicable to a particular development, the chairman shall serve notice upon the local enforcement authorities. If within 30 days after service of the notice, the local authorities have failed to initiate an action to remedy or punish the violation, the chairman may refer the matter to the Attorney General.

The 15-bed Leimbach project is a commercial venture proposed to be located in Anne Arundel County's Resource Conservation Area overlay zone. New commercial development is prohibited in this area unless the County applies growth allocation to the site. Therefore, issuance of building permits would constitute a violation of the Anne Arundel County Critical Area program.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Richard T. Wilcox
January 19, 2000
Page 2

The County's Critical Area ordinance, Bill No. 49-88, specifies at Section 1A-103 (C) that:

Unless otherwise restricted by the Critical Area regulations and land use category and except commercial and industrial uses in Resource Conservation Areas, uses permitted by existing zoning classifications shall be permitted uses in Intense, Limited and Resource Conservation Areas of the Critical Area.

Paragraph (c) (1) covers commercial facilities which existed in the County's Resource Conservation Area as of December 1, 1985:

Existing industrial and commercial facilities, including facilities that directly support forestry, agriculture, aquaculture, or residential development, that have a density not greater than one unit for each 20 acres are permitted in resource conservation areas.


Paragraph (c) (2) covers new commercial facilities located in the Resource Conservation Area, such as the Leimbach project:

Additional land may not be rezoned for commercial or industrial development unless a growth allocation is available as authorized by Section 1A-108 of this title or there was a mistake in the original classification and the land is reclassified in accordance with Section 11-102.3 of this article.

If the County decides to issue permits for development of this commercial project, the County must thereupon change the Critical Area overlay zone from Resource Conservation Area to Limited Development Area by using a portion of the County's growth allocation. Please be assured that the Critical Area Commission will expedite its review process to accommodate this necessary change to the County's Critical Area program.

If you need assistance in this matter, please contact me or Mr. Ren Serey, the Commission's Executive Director.

Very truly yours,


John C. North, II
Chairman

cc: The Honorable Janet S. Owens
The Honorable Barbara D. Samorajczyk
Marianne D. Mason, Esq., Assistant Attorney General



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 24, 2000

The Honorable Kenneth D. Schisler
Lowe House Office Building
Room 415
Annapolis, Maryland 21401

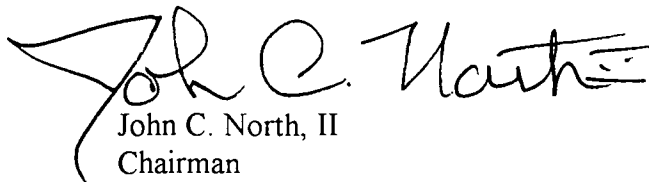
Dear Delegate Schisler:

On January 5, 2000 the Chesapeake Bay Critical Area Commission approved Talbot County Bill No. 741 as a refinement to the County's local Critical Area program. By this bill, which I have enclosed, the County Council provides local officials the means to accommodate certain needs of individuals whose disabilities are covered by the Americans With Disabilities Act. The Commission unanimously agreed with me that the standards and procedures incorporated by the County Council into Bill No. 741 satisfy both the spirit and intent of the Critical Area Act and Criteria.

I hope you will consider the flexibility that Bill No. 741 provides to persons with disabilities and to Talbot County officials in any decision regarding the introduction of related legislation. Please be assured that the Commission will make the provisions of the County Council's bill available to all Critical Area jurisdictions for incorporation into their local programs.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,


John C. North, II
Chairman

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

1999 Legislative Session, Legislative Day No. November 9, 1999
Bill No. 741

Introduced by: County Council

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

By the Council November 9, 1999

Introduced, read first time, ordered posted and public hearing scheduled on Tuesday, November 23, 1999, at 2:15 p.m. in the Council Hearing Room, Courthouse, Easton, Maryland.

By Order

Jessica Momz
Secretary

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

SECTION ONE: BE IT ENACTED by the County Council of Talbot County that Section 19.14(b)(7), Title 19, Zoning, of the Talbot County Code entitled "Reasonable Accommodation" shall be and is hereby repealed in its entirety and re-enacted as set forth herein.

(7) Reasonable Accommodation for the Needs of Disabled Citizens

- (i) Purpose. Notwithstanding any other provision of this Ordinance, the Board of Appeals may make ~~reasonable accommodations~~ for the benefit of disabled citizens in the consideration of any final order or decision of the Planning Officer or any administrative appeal, special exception or variance. Reasonable accommodation for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in paragraph (ii) of this Section. Reasonable accommodations may only be approved following a review and recommendation by the Planning Commission, and final approval and authorization after a public hearing before the Board of Appeals.
- (ii) An applicant/appellant shall have the burden of demonstrating by a preponderance of the evidence that:
- [a] The existence of a disability within the meaning of the Americans with Disabilities Act;
 - [b] Literal enforcement of the statute, ordinance, regulation, or other requirement would (1) result in discrimination by virtue of such disability or (2) deprive the applicant/appellant of the reasonable use and enjoyment of the property;
 - [c] A reasonable accommodation would reduce or eliminate the discriminatory effect of the statute, ordinance, regulation, or other requirement or restore the applicant/appellant's reasonable use or enjoyment of the property;
 - [d] The accommodation requested will not substantially impair the purpose, intent, or effect of the statute, ordinance, regulation or other requirement as applied to the property;
- If the property is located in the critical area, the accommodation would:
- [e] Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or
 - [f] Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.
- (iii) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to:

[a] The purpose, intent, or effect of any applicable statute, regulation, or ordinance;

[b] The size, location, nature, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.

- (iv) Upon termination of the need for any accommodation, the Board of Appeals may require, as a condition of approval, that the property be restored to comply with all applicable statutes, ordinances, regulations, or other requirements.
- (v) Hearing Notice. Public notice of all applications and hearings shall be given in accordance with Section 19.14(b)
- (vi) Site Visit. A majority of the members of the Board of Appeals shall be required to visit the site before conducting the public hearing. However, the decision shall be based upon the evidence of record.
- (vii) Recommendation of the Planning Commission. Before making a decision on any application or appeal, the Board of Appeals shall obtain the recommendation of the Planning Commission. The Planning Commission's recommendation shall address the criteria in paragraph (ii) in this Section. The recommendation shall be considered by the Board of Appeals, shall become part of the record, but shall not be binding on the Board of Appeals. The Board may request from the Planning Commission such technical service, data, or factual information as may further assist the Board of Appeals in reaching a decision.
- (viii) New application after denial. Following the denial of a request for a reasonable accommodation, no application for the same use on the same premises shall be filed within one (1) year from the date of denial, except on grounds of newly discovered evidence.

SECTION TWO: BE IT FURTHER ENACTED by the County Council of Talbot County that Section 19.14(b) Power of Board of Appeals, Title 19. Zoning, of the Talbot County Code, is amended by changing subsection (6) to subsection (7) and subsection (7) to subsection (6).

SECTION THREE: BE IT FURTHER ENACTED by the County Council of Talbot County that this Bill shall take effect sixty (60) calendar days from the date of its passage.



John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 19, 2000

Ms. Elizabeth Krempasky
Economic Development Commission
P O Box 207
Denton, Maryland 21629

RE: Caroline County Comprehensive Review

Dear Ms. Krempasky:

Recently, the Critical Area Commission requested an update from staff regarding the status of the comprehensive reviews of local governments' Critical Area Programs. They expressed concern that Caroline County's comprehensive review has not been completed and directed us to contact you and develop a schedule for completing the review in the year 2000.

The most significant issue regarding Caroline County's Program was raised by the Assistant Attorney General, Ms. Marianne Mason. She is concerned that unless the County Code contains language giving the County the express authority to carry out and enforce the provisions of the Program document, that the Critical Area provisions may not be legally enforceable. Although the County Code contains language referencing the "use regulations, general design regulations, type of review and approval required in the Critical Area zoning districts contained in the document, 'Critical Area Program for Caroline County'", it appears to lack the enforcement capability associated with legislatively enacted and codified ordinances and regulations.

Commission staff are currently working with all of the local governments that have not previously incorporated the Critical Area provisions into their zoning ordinances or local codes in order to bring them into full compliance. Commission staff have developed a model ordinance to expedite this process, and the model has been well received. Customized versions of the model have been adopted by the Town of Greensboro, and the model is currently being edited and customized for use by several other towns and Worcester County.

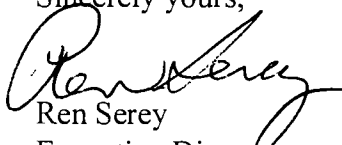
We strongly encourage the County to consider using the model ordinance, since staff have found that customizing the model to meet the specific needs of the jurisdiction has been more efficient and resulted in a better product than attempting to modify, edit, and codify original program documents.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Krempasky
January 19, 2000
Page Two

I have enclosed a hard copy of the model ordinance for you to review, and I can prepare a disk in an appropriate word processing format at your request. In the hard copy of the model, which was prepared for Worcester County, the italicized text represents areas that need to be customized for each jurisdiction. I will be contacting you later this month to schedule a meeting to develop a timetable for completing the review. If you have any questions, please feel free to contact me or Mary Owens at (410) 260-7516.

Sincerely yours,



Ren Serey
Executive Director

Enclosure

RS/jjd

cc: Mr. Andrew Myers
Ms. Dawnn McCleary

Staff Correspondence Reader File #1: Dawn

2000

SI 832-145-2



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Ms. Cynthia Simpson
Deputy Director
Office of Planning and
Preliminary Engineering
State Highway Administration
P.O. Box 717
Baltimore, MD 21203

RE: US 40: MD 755 to West of Otter Point Road
Safety and Resurfacing Project No. HA198A21

Dear Ms. Simpson:

Thank you for submitting additional information for State Highway Administration's (SHA) proposal to resurface the existing roadway of US 40 from MD 755 (Edgewood Road) west of Otter Point Road in Harford County. This office understands that there are minor additions to the project scope which includes the installation of median bi-directional impact attenuators, signs and pavement markings, stabilizing an eroded ditch and re-grading of shoulder drop off areas. All work will be completed within the SHA's right-of-way.

Also, this office understands that:

1. The project will permanently impact 55 linear feet of waters of the U.S.;
2. The project will disturb 200 square feet of nontidal buffer, and;
3. The proposed project area will lie within part of the 100 year floodplain.

Critical Area Commission staff has determined that his project is consistent with Appendix A, Section A, No. 1 and 2 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Continued, Page Two
US 40\Otter Creek Point Road
Resurfacing in Harford County
July 10, 2000

After reviewing the additional information, this office has determined that the proposed development activity will have little impact to the Critical Area. Therefore, formal approval of the project by the Commission is not necessary.

If there are any additional changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Pat Pudelkewicz
Regina Esslinger
General File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Mr. Rizwan Siddiqi, P.E.
Project Manager
EBA Engineering, Inc.
Seton Business Park
4813 Seton Drive
Baltimore, MD 21215


***RE: United States Postal Service
Eastport Station***

Dear Mr. Siddiqi:

This office understands that the United States Postal Service is proposing to expand Eastport Station Facility in the City of Annapolis. The proposed expansion will increase the number of public parking spaces and the size of the building. The expansion is aimed at improving the level of service to the community. The site is located wholly in the Chesapeake Bay Critical Area in the Intensely Developed Area.

After reviewing the above site plans, this office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Eli Hirsch
Elder Ghigliarelli
Jeff Torney
Regina Esslinger
Federal 24 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 28, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street
Baltimore, MD 21202

RE: Aliceanna Point
628 and 630 South Wolf Street

Dear Mr. Stuart:

This office understands that the applicant is proposing within the Intensely Developed Area to construct a new building with a first story parking garage and a two story dwelling on top of the garage. After reviewing the site plan, this office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 326 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000


Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street
Baltimore, MD 21202

RE: Sylvan Learning Systems
506 South Central Avenue

Dear Mr. Stuart:

This office understands that the applicant is proposing within the Intensely Developed Area to remove one of two buildings and replace it with a new office building on the same site. The second building will be renovated. After reviewing the site plan, this office has determined that the proposed development activity and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 329 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

Dear Mr. Torney:

In the last few weeks, you have sent this office projects in which applicants have proposed access to their piers. You and I have discussed the width of the stairs for pier access. You said that your office had decided to approve 4-foot wide pathways and steps down to the water.

I researched what the appropriate width for steps and pathways were. This office determined that 3-foot wide steps or pathways for pier access within the 100-foot Buffer meets the Americans with Disabilities (ADA) guidelines and also keeps Buffer disturbance to a minimum as required by the Critical Area Criteria. Therefore, this office recommends that pathways and steps for shoreline access be no more than three feet in width for egress (not including posts and railings) to minimize disturbances to the 100-foot Buffer, steep slopes and stable shorelines. The Commission has a guidance paper on public walkways that provides for greater width when the access is for public use.

Also, this office still recommends that disturbance to the Buffer for shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. Any clearing for access must be kept to a minimum. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



readable

Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street
Baltimore, MD 21202

RE: Consolidated Coal
Local Case Number: 000736

Dear Mr. Stuart:

This office understands that the applicant is proposing to build a parking lot and storage area within the Intensely Developed Area. After reviewing the above site plan, this office has determined that the proposed development activity and 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260 - 3483.

Sincerely,

Dawn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 178 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Mr. Vernon Husted
Senior Planner
Sigma Engineering, Inc.
45 Old Solomons Island Road
Suite 204
Annapolis, MD 21401

RE: Crab Cove Subdivision

Dear Mr. Husted:

In the last few weeks, you submitted several revised site plans along with additional questions you had concerning the Crab Cove Subdivision. After reviewing the most recent revised site plan and the questions you had concerning the subdivision, this office would like to provide the following comments:

1. The pumping station must be placed out of the Resource Conservation Area (RCA) into the Limited Developed Area (LDA). Because this use is associated with LDA development, the development should be located in the LDA. If not, the applicant will need growth allocation to remain where it is;
2. The revised proposed six-foot wide hiker\biker trail around the subdivision meets the Commission's guidelines on public walkways;
3. In addition to the amount of impervious proposed, please show the 25 % impervious surface limit for each lot. All lots must be at or under the 25 % impervious surface limit. My understanding is that for individual lots, roads, sidewalks, driveways, walkways, etc. are already included in the 25 % impervious surface calculations. Also, roads in the subdivision need to be included in the overall 15 % impervious surface limitations. Please clarify your note under the revised impervious surface tabulation table;

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

*Continued, Page Two
Crab Creek Subdivision
Comments
June 21, 2000*

4. As discussed, the expanded Buffer line needs to be redrawn on the site plan to reflect all contiguous steep slopes. Also, part of the trail that leads to the north picnic area will fall within the expanded Buffer once the correct line is redrawn. Please place the area of the trail outside of the expanded Buffer;
5. The most recently submitted site plan correctly shows the 100-foot tributary stream; and,
6. The Critical Area site plan shows that the woodland areas that will be cleared (2.05 acres) within the Critical Area will be replanted. After speaking with you on June 19, this office concurs with your proposal to replant 2.05 acres within the Critical Area.

Finally, Critical Area staff is available to assist you with any additional questions or concerns you may have. Please do not hesitate to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Jeff Torney
Ren Serey
Regina Esslinger
AN 392 - 99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 16, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street
Baltimore, MD 21202

***RE: Additional Comprehensive Review
Comments for Baltimore City***

Dear Mr. Stuart:

Below you will find additional comprehensive review comments for Appendix A: Habitat Protection Areas (HPA's) which will be moved to Section II : Resource Protection Plan Summary of the Critical Area Management Program (CAMP). They are:

1. On page 1, under Introduction, paragraph 2, number 2, delete "vegetated" to just read "100 - foot Critical Area Buffer".
2. On pages 1 and 6 under Introduction, paragraph 2 - delete number 2 from this section and add to number 10 to read : Habitats of local significance including non-tidal wetlands. Renumber the entire section.
3. On page 2, under Protection Requirements for Designated HPA's, numbers 2 and 3 - the City agreed to delete the "Habitat Protection Areas (HPA's) having significant vegetation" paragraph and the "Habitat Protection Areas having no significant vegetation" paragraph.
4. On page 3, under Mitigation Plan, the City agreed, at our May meeting, to reword this section to address our comments.
5. On page 4, under Grandfathering, since this language already exists in Section III, letter G of the CAMP, this section can be removed.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

***Continued, Page Two
Baltimore City Comprehensive
Review of Habitat Protection Areas
June 16, 2000***

6. On page 5, under Tree Replacement Requirements, the City will revise this section as discussed at our May meeting.

7. On page 6, under the Baltimore City Critical Area Habitat Protection Plan, paragraph I, number 1- delete vegetated and non-vegetated to read "100-foot Critical Area Buffers". Also, add number 2 to number 10 to say "Habitats of local significance and nontidal wetlands". Renumber this section.

8. On page 8, under the Baltimore City Critical Area Plant and Wildlife Habitat, numbers 1 and 2 - delete " vegetated and non-vegetated" under number 1 and delete non-tidal wetlands under number 2. Renumber this section.

- On pages 8 and 9, same section, numbers 2, 3 and 4 of the first, second and third sentences, change to the Department of Natural Resources only.

- On page 9, same section under Forest Interior Dwelling Bird, number 6 - Forest Interior Dwelling Birds (FID's) Habitat shall be protected in accordance with the Critical Area Commission's current guidance on FIDs . We need to discuss this section with the City.

- On page 10, same section, Anadromous Fish propagation, number 8 - this section needs to be revised. They need to contact the Department of Natural Resources and update what waters are anadromous and include protection measures from the model program or criteria. (See attached model program on Anadromous Fish Propagation)

- On page 11, same section, Non-tidal Wetlands number 9 - the City may need to revise this section and refer to the model program. (See the attached model program)

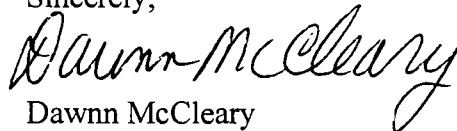
9. On page 12, under Baltimore City's Habitat Protection Areas (HPA's), Section III - this section is not clear and we need to discuss it with the City.

10. On page 18, under Protection Requirements for Designated HPA's, Section IV and V will be deleted from this section. Part VI has not been addressed in Section V, letter G on page 43 of the CAMP.

Continued, Page Three
Baltimore City Comprehensive
Review of Habitat Protection Areas
June 16, 2000

We would like to meet with you to discuss our comments concerning the Habitat Protection Areas Section. I will call you to set-up a date and time that we could meet with your staff. If there are any questions pertaining to the attached comments, please feel free to call me at (410) 260 - 3483.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Susan Williams
Beth Strommen
Ren Serey
Mary Owens
File: Balto. Revision

Judge John C. North, II
Chairman



readable

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 16, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South Seventh Street, Suite 210
Denton, MD 21629

RE: Rodney Marquardt Property
Local Case Number: 00- 16 V

Dear Ms. Schmick:

Thank you for providing information on the above project. This office understands that the applicant is requesting a variance to construct 6-foot wide steps within the 100-foot Buffer. After reviewing the site plan, it appears that the 6-foot wide steps are excessive in width. Although this office does not oppose the variance, we recommend that the steps be no more than 3 feet in width for egress to minimize disturbance to the 100-foot Buffer, steep slopes and a stable shoreline. Disturbance to the Buffer for shoreline access should be mitigated at a 2:1 ratio using native Buffer plantings. Also, any clearing for access should be kept to a minimum.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
CR 302 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Head file



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 2, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County
220 South Main Street
Bel Air, Maryland 21014

RE: The Cove at Water's Edge Subdivision

Dear Mr. Gleisner:

I have reviewed the applicant's proposed subdivision to build single family homes at the Cove at Water's Edge (Previously Riverside South 40). This office does not oppose the proposed project, but there are several Critical Area issues that need to be addressed. They are:

1. You indicated in a phone conversation that the consultant submitted and our office reviewed draft 10 % calculations for the entire site. We would like the consultant to submit final completed 10 % calculations for the entire site;
2. We would like to see a series of site plans with the approved Growth Allocation line shown on them;
3. The Growth Allocation must meet the conditions of the awarded Growth Allocation approved by the Critical Area Commission back in 1991 and 1994; and,
4. I would like to see your site plan comments dated May 22, 2000 to Ed Steere to be addressed as well by the applicant.

There are any questions, please feel free to call me at (410) 260-3483

Sincerely,

Handwritten signature of Dawnn McCleary in cursive.

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 90-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 12, 2000


Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Gourmet Popcorn and Nut Shop
97 Prince George Street
Special Exception

Dear Mr. Torney:

The applicant is requesting a special exception to operate a Gourmet Popcorn and Nut Shop within the Critical Area. Because the special exception is in the Intensely Developed Area (IDA), Critical Area notification is not required by this office. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 304 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

CLEARINGHOUSE REVIEW

May 18, 2000

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Lynn Davidson, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honecny, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)
H.C.D.

FROM: H. Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3688-12-172
Smith Property Acquisition, Harford County

This project proposes to acquire 230.5± acres of improved land as an addition to the existing 500 acre Heavenly Waters Park. The acquisition of this property will preserve the land for future recreational use by County residents, preserve additional open space, and provide protection for Winters Run that traverses the property and serves as the water source for the Bel Air area. The property will be acquired over a five-year period with yearly installments.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

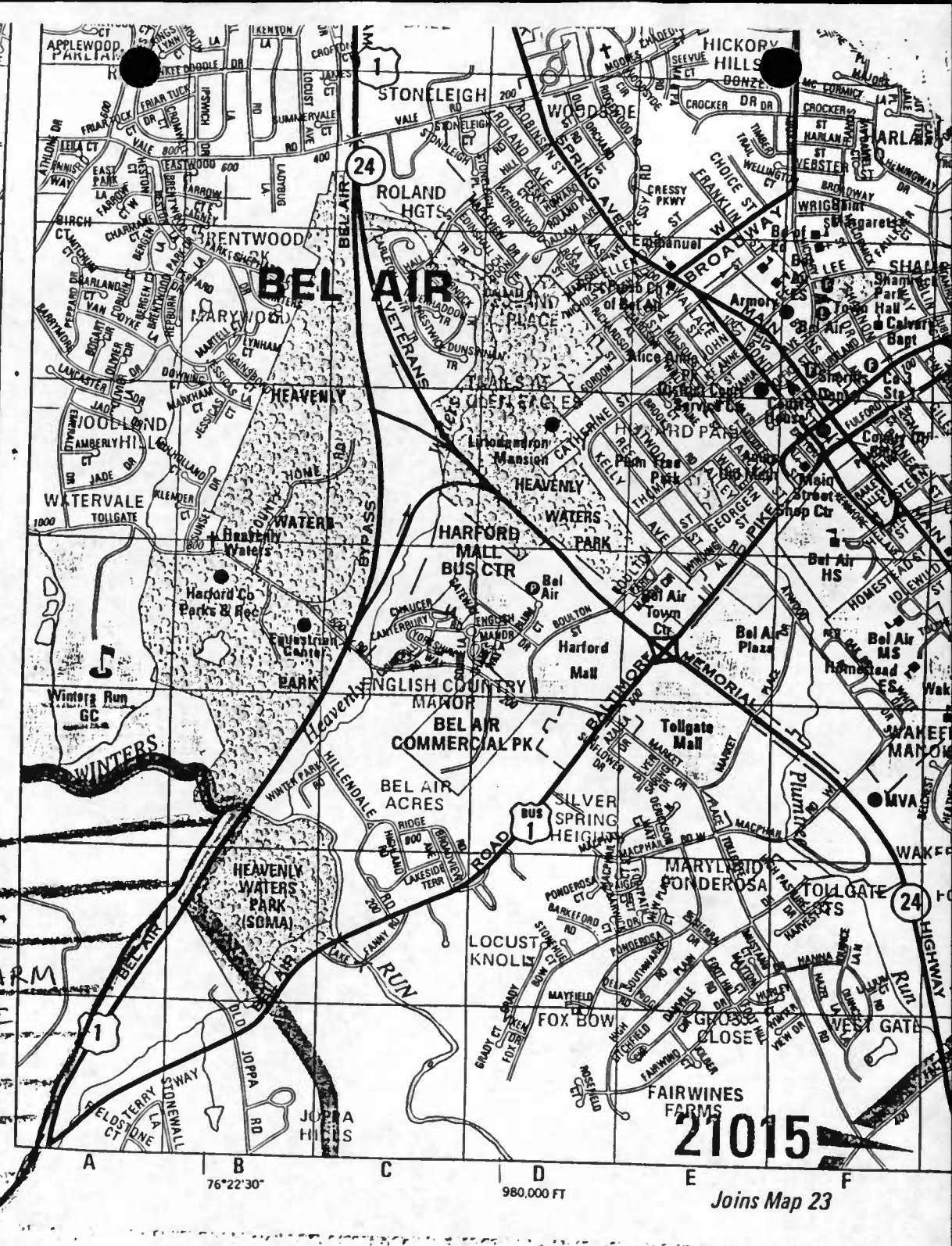
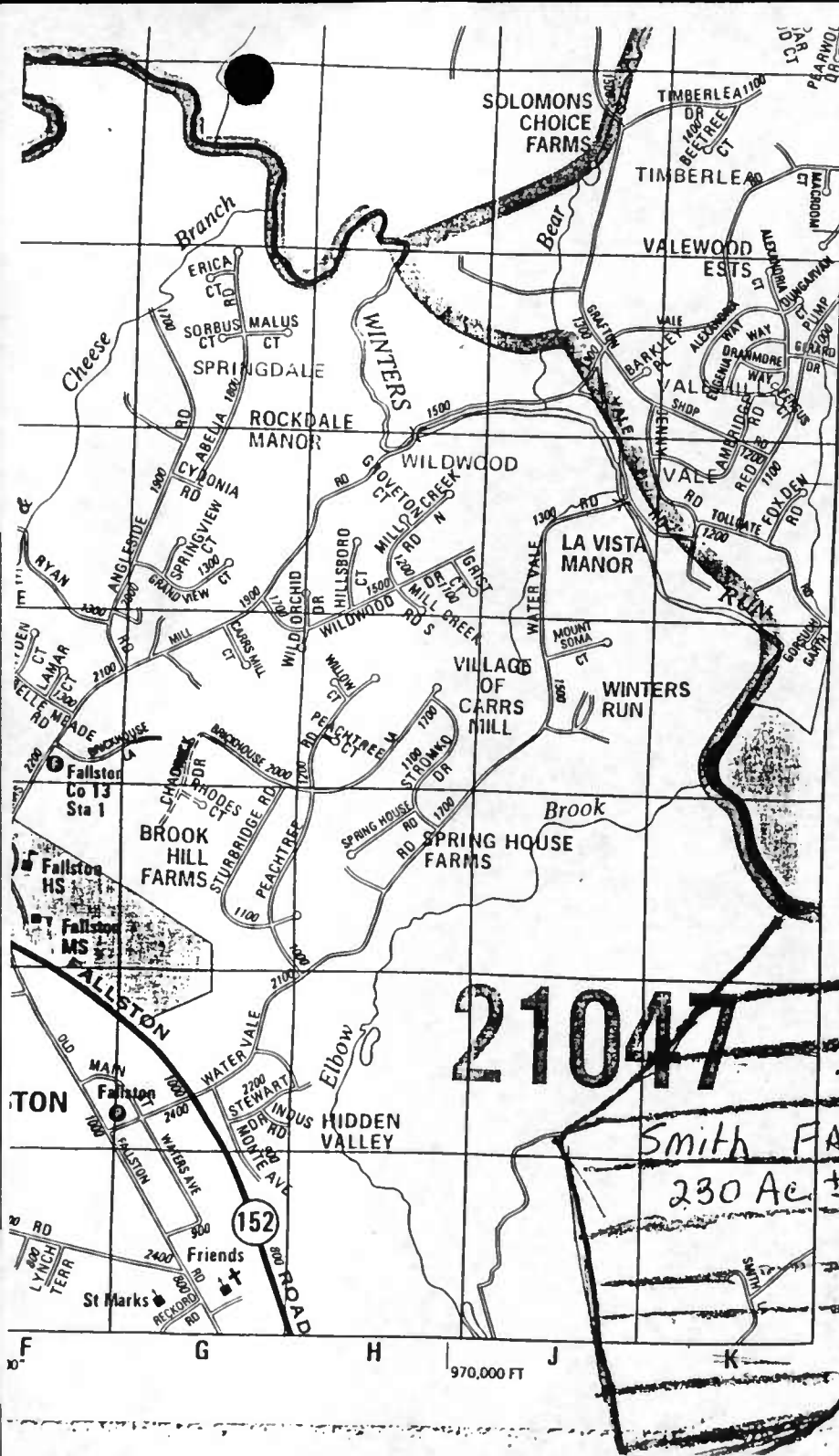
✓

Dm 5/31/2000

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



F 970,000 FT J K 76°22'30" C D 980,000 FT E F

Joins Map 23

Lead



George John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 23, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

**RE: George Thomas Property
405 Monterey Avenue**

Dear Mr. Torney:

Thank you for providing information on the above project. This office understands that the applicant is proposing to construct a 4' x120' access steps/walkway to the pier. After reviewing the site plan, this office does not oppose this proposal, but we recommend that the walkway and access steps to the pier be no more than 3 feet in width to minimize disturbance to a stable shoreline and Buffer.

Disturbance to the Buffer for shoreline access should be mitigated at a 2:1 ratio, using native Buffer plantings. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
[AN 219- 00]

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Readerfile

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

May 23, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street
Baltimore, MD 21202

RE: Rukert Terminal
1811 South Clinton Street
Local Case Number: 001278

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to construct a new 71,500 square foot warehouse at their existing outdoor storage site. Because this project is in the City's Intensely Developed Area, the applicant must comply with the 10% pollution reduction requirements or pay fees-in-lieu.

This office has determined that the proposed redevelopment and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
BA 252- 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

ge John C. North, II
Chairman



Ren Serey

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 23, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
4176 East Fayette Street
Baltimore, MD 21202

RE: Vane Brothers
4401 Newgate Ave
Local Case Number: 000866- 03

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to re-pave an existing parking lot. This office has determined that the proposed re-paving and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-3483.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
Mary Owens
BA 254 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Read file

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

May 11, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South Seventh Street, Suite 210
Denton, Maryland 21629

RE: Richard and Barbara Doughty Property
Local Case Number: 00 - 14 V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is requesting a variance to extend the existing porch by 10 feet as well as to extend the existing concrete sidewalk to the porch in a Resource Conservation Area within the 100-foot Buffer. After reviewing the site plan, this office will not oppose the variance request for the extension of the porch and concrete sidewalk within the 100-foot Buffer. Because the addition is in the Buffer, this office recommends that the area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Crystal Porter
Regina Esslinger
CR 218 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

May 4, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

**RE: Azam Baig Property
163 Williams Drive**

Dear Mr. Torney:

Thank you for submitting additional information concerning the width of the steps and pathway to the shoreline. After reviewing the additional information, this office will approve a 4 foot wide pathway and step to the shoreline for this project only. This office will continue to recommend that pathways and steps for shoreline access be no more than 3 feet in width to minimize disturbance to a stable shoreline and Buffer. Additional mitigation will be required for shoreline access over the 3-foot wide minimum.

We also, recommend that disturbance to the Buffer for shoreline access be mitigated at a 2:1 ratio, using native Buffer plantings. The area where the existing stairs were removed would be a good place for plantings.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Jackie Rouse
Regina Esslinger
AN 175- 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

May 4, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

***RE: Landfall Development Corporation Project
217 Lockwood Court***


Dear Mr. Torney:

Thank you for the opportunity to review the above variance application. The applicant is proposing to build within the 100-foot Buffer a new second level which will be built over the existing building as well as a garage and porch.

Because the Commission voted to declare that the City of Annapolis' Critical Area Program omitted certain provisions, your office cannot to issue any Buffer variances at this time. As you are aware, the Commission discussed the City of Annapolis' Critical Area Program deficiencies such as the City's Program provisions concerning the Buffer and the review and approval of variances.

After looking at the property on April 21, 2000, it seems that the proposed garage and porch may be in the expanded Buffer. While your program is in the process of being fixed concerning program deficiencies, the applicant should revise the site plan to show topography lines to determine if the Buffer needs to be expanded. Please forward revisions to this office for review. I will provide comment at that time. If there are any questions, please feel free to call me at (410) 260 -7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Regina Esslinger
AN 174 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 27, 2000

Ms. Laurie Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South Seventh Street, Suite 210
Denton, Maryland 21629

***RE: Caroline County Comprehensive
Review Update***

Dear Ms. Schmick:

On March 3, 2000, Critical Area staff met with you and Elizabeth Krempasky to discuss Caroline County's 4-year Comprehensive Review. The purpose of this letter is to see whether you had any questions or comments on the model program that was sent to you several weeks ago.

If there are any questions, Mary Owens or myself are available to assist you. I will call you sometime next week for a follow-up on the model program. If you have any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Betsy Krempasky
Ren Serey
Regina Esslinger
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 26, 2000

Ms. Iwona Zarska, P. E.
Project Manager
Baltimore Land Design Group, Inc.
Consulting Engineers
24 English Saddle Court
Parkton, Maryland 21120

RE: Port Covington Project
Impervious Surface Areas

Dear Ms. Zarska:

After visiting the site on April 12, 2000, you showed me two areas of scattered clumps of grass like weeds and a mixture of gravel and soil on the surface layer. I understand that those areas were previously developed in the past. You wanted me to evaluate whether the two areas should be considered impervious or pervious. Based on the site visit, I have determined that the two areas are impervious.

If there are any questions, please feel free to call me at (410) 260-7072

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 211-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 26, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

RE: Flying Point Park Boat Launching Facility

Dear Mr. Gleisner:

Thank you for providing "Notification for Certification" that the above project is consistent with Harford County's Critical Area Program. This office understands that Flying Point Park is owned by the County and is classified as a Limited Development Area. The proposed development at Flying Point Park will include improving the existing boat ramp facility and the construction of one new boat ramp and two new piers. Also, the proposed development is in the 100-foot Buffer and is water dependent.

This office also understands that:

1. The proposed project will keep the amount of impervious surface well below the permitted 15%;
2. Seventeen trees will be planted to mitigate for the new impervious surface being created; and,
3. No increase in parking areas will occur.

Critical Area Commission staff has determined that the proposed development: 1) has environmental or economic consequences that will largely be confined to the immediate area of the site on which the development is located; 2) does not substantially affect the Critical Area Program of the local jurisdiction and, 3) is not considered by the Commission as major development.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

*Continued, Page Two
Flying Point Park
April 26, 2000*

(See COMAR: Chapter Two Regulations for Development in the Critical Area Resulting from State and Local Agency Programs) Therefore, approval of this project by the Commission is not necessary. The approval of this consistency will be filed with the Commission.

If there are any questions, please feel free to contact me at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 200 - 00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 26, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Dept. of Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-

RE: West Shore Home Depot Project
Local Case Number: S - 00 - 057

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to build a Home Depot. This office understands that the a portion of the site being proposed for development is designated as a Limited Development Area (LDA). Because the approval was given high density development on a portion of the site prior to June 1, 1984, construction of such development would be considered grandfathered if it satisfied the Intensely Developed Area (IDA) requirements.

After reviewing the above project, this office does not oppose the proposed project but the 10% calculations must be submitted to satisfy the IDA requirements. When calculations are completed, please forward them to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 209 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 25, 2000

Ms. Iwona Zarska, P.E.
Project Manager
Baltimore Land Design Group, Inc.
Consulting Engineers
24 English Saddle Court
Parkton, Maryland 21120

***RE: Port Covington Project
Baltimore City***

Dear Ms. Zarska:

Thank you sending this office site plans of the existing and proposed development plans for the Port Covington site. We also received your April 21, 2000 handwritten fax with questions you have about future development at Port Covington within the Critical Area. Below, I have provided answers to the questions you outlined in your letter. They are as follows:

1. Claudia Jones, our Science Advisor, informed me that she discussed with you items 1 and 2 concerning the Critical Area Buffer;
2. For items 3 and 4, the applicant's parcel has been designated as a Waterfront Industrial Area. Because the proposed development will be in the 100-foot Buffer, the City has provisions in their program concerning water-dependent and non-water dependent use allowed in the Buffer. For non-water dependent use within the Buffer, the City's Program states that development is limited to 50% of the total Buffer area. If a developer uses any portion of the Buffer as part of significant development, the developer has the option of vegetating on-site or contributing to the Buffer Offset Fund. (See page 21 of the City's Critical Area Program,);
3. For item 5, I am planning on visiting this site again to look at the shoreline sometime this week. I will let you know the date and time I will be going out to the site;

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

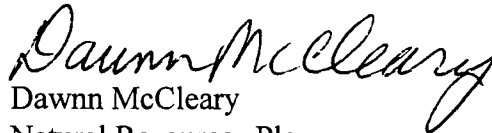
*Continued, Page Two
Port Covington Project
April 25, 2000*

5. In reference to item 6, this office would like to review the preliminary landscaping plans for the site. We recommend that the area disturbed in the Buffer be mitigated at a 3:1 ratio with native plantings, on site if possible. (See attached list of native plantings of Maryland). I will provide comments once I receive the plans; and,

6. In reference to item 7, I suggested that you call Bob Cuthbertson at (410) 631-8075 from the Maryland Department of the Environment about shoreline stabilization issues such as tidal velocities as well as non-structural versus structural shore erosion control.

I hope this letter answers your questions. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Duncan Stuart
Regina Esslinger
BA 211-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 20, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

***RE: Azam Baig Property
163 Williams Drive***


Dear Mr. Torney:

Thank you for providing information on the above project. This office understands that the applicant is proposing to remove the existing stairs in one location and replace, in a different location, new stairs and a landing to provide access to a new pier. After reviewing the site plan, this office does not oppose this proposal, but we recommend that the pathway and steps to the shoreline be no more than 3 feet in width to minimize disturbance to a stable shoreline and Buffer.

Also, disturbance to the Buffer for shoreline access should be mitigated at a 2:1 ratio, using native Buffer plantings. The area where the existing stairs were removed would be a good place for plantings.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 175-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 18, 2000

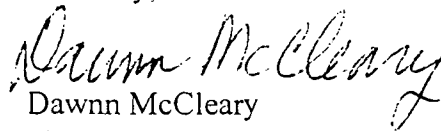
Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Richard Burton Property
26 Spa View Circle

Dear Mr. Torney:

Thank you for the opportunity to review the above variance application. The applicant is proposing to build a second floor addition on top of the existing house that is located in the 100-foot Buffer. There will be no new impervious surface on site and no disturbance to the 100-foot Buffer. This office has determined that the proposed redevelopment is consistent with the local Critical Area Program. If there are any questions, please feel free to call at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Jackie Rouse
Ren Serey
Regina Esslinger
AN-173-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 6, 2000

Mr. P.N. Vasanth, P.E.
Manager, Design Engineering
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

**RE: Contract No. 500019
Slope Protection, Colgate Creek
Dundalk Marine Terminal**

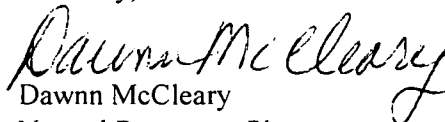
Dear Mr. Vasanth:

Critical Area staff understands that the Maryland Port Administration (MPA) is proposing slope protection along the Colgate Creek bridge. The project is located on the east bank of the creek beginning at the Broening Highway bridge and extending 136 feet south of the MPA bridge. The purpose of the slope protection is to prevent trash and debris in the area and aesthetically improve the shoreline. Critical Area staff has determined that since this project will impact the 100-foot Buffer, this project will need Commission approval.

On May 3, 2000, the proposed slope protection project will be placed on the Commission's meeting agenda. Any additional detailed maps or photographs of the area should be sent to this office for staff review before the Commission meeting. Please see the attached Chapter 5 checklist for guidance.

Finally, Critical Area staff will send you an agenda and directions before the May Commission meeting. If you have any questions, please feel free to call me at (410) 260 - 7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: M. Hild
D. Matzke
Regina Esslinger
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

April 7, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
403 South Seventh Street, Suite 210
Denton, Maryland 21629

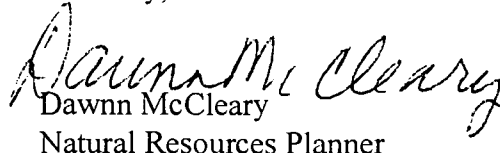
RE: Franklin and Brenda Prettyman Property
Marsh Creek Road
Local Case Number: 2000-01R

Dear Mr. Schmick:

The applicant is requesting to rezone approximately 12.3 acres of land from the existing Critical Area Overlay Zoning classification of Resource Conservation District (RCD) to Limited Development District (LDD). The purpose of the rezoning is to provide for a septic disposal site for 30 manufactured housing sites to be located directly adjacent to, but outside the Critical Area. The developer requested a change in land use classification from RCD to LDD for the property to accommodate the septic disposal site expansion to support the proposed non-Critical Area growth. Because the existing and proposed zoning use is comparable with the LDA designation, this office does not oppose the rezoning of the above project from RCD to LDD.

Because the applicant will need growth allocation once the Caroline County Planning Commission has approved the rezoning, this project will need to be submitted to the Critical Area Commission as an amendment or refinement for growth allocation. If there are any questions, please free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Mary Owens
Regina Esslinger
CR 161-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 3, 2000

Mr. Arnold Norden
Natural Resources Planner
Land and Water Conservation Service
Department of Natural Resources, E- 4
580 Taylor Ave
Annapolis, MD 21401

RE: Susquehanna State Park
New Steps at Rock Run (00-DNR-051)

Dear Mr. Norden:

Thank you for providing information on the above site plan. This office understands that there is a proposal to build new steps in the 100- foot Buffer at Rock Run in Susquehanna State Park. The proposed steps will provide access to the river.

After reviewing the site plan, this office does not oppose the above project, but would like additional information (e.g. photographs and detailed site plan) showing the proposed location of the steps within the 100-foot Buffer. Please forward all information to this office for review. I will comment at that time. If there are any questions, please feel free to call me at (410) 260 - 7072.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Parris N. Glendening
Governor

Maryland Department of Natural Resources

Sarah J. Taylor-Rogers, Ph.D.
Secretary

Kathleen Kennedy Townsend
Lt. Governor

Tawes State Office Building, E-4
580 Taylor Avenue
Annapolis, Maryland 21401

Stanley K. Arthur
Deputy Secretary

REVIEW AND EVALUATION OF ACTIVITIES AFFECTING DNR LAND

DATE: March ²⁰~~16~~, 2000

RECEIVED

TO: Rick Smith Michele Hurt
Ross Kimmel Regina Esslinger

MAR 22 2000

FROM: Arnold Norden

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

SUBJECT: Susquehanna SP, New Steps at Rock Run (00-DNR-051).

Review the attached information regarding this project and forward your comments directly to me by March 31, 2000.

Please complete the following and return this memorandum with any additional comments that are pertinent.

Check one:

Comments are attached

No comment.

James Mc Cleary 3/30/2000 Signature

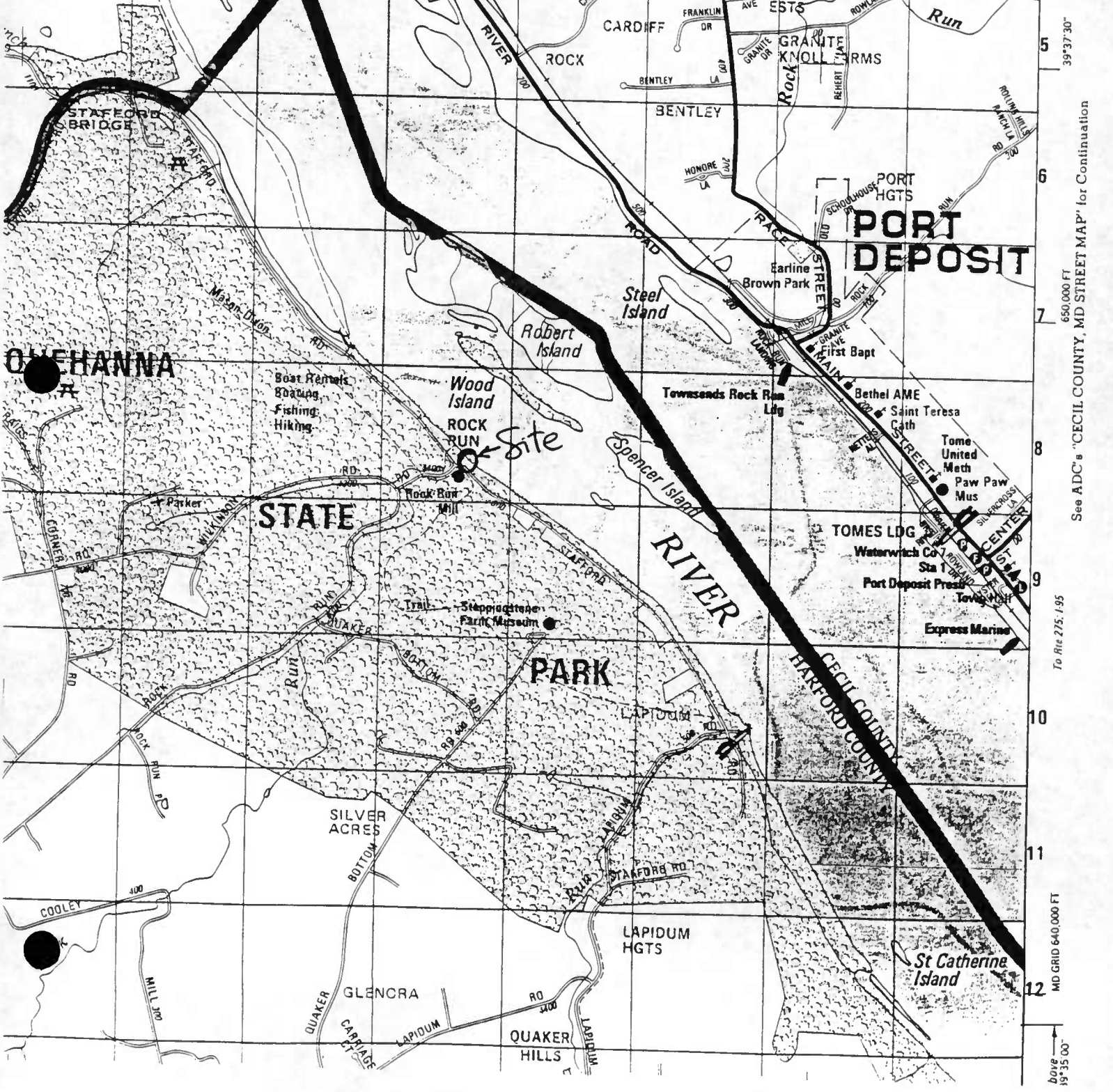
CB CA C Agency

Timely processing of this request requires that this memorandum be returned by the date given above. If comments are not received by that date I will assume that you have none.

SUSQUEHANNA
HARFORD COUNTY
CECIL COUNTY

222

21904



39°37'30"
650,000 FT
See ADC's "CECIL COUNTY, MD STREET MAP" for Continuation
To Rte 275, 1.95
MD GRID 640,000 FT
19°35'00"

To: Rick Smith
From: Eric Cook
Subject: Eagle Scout Project, Rock Run

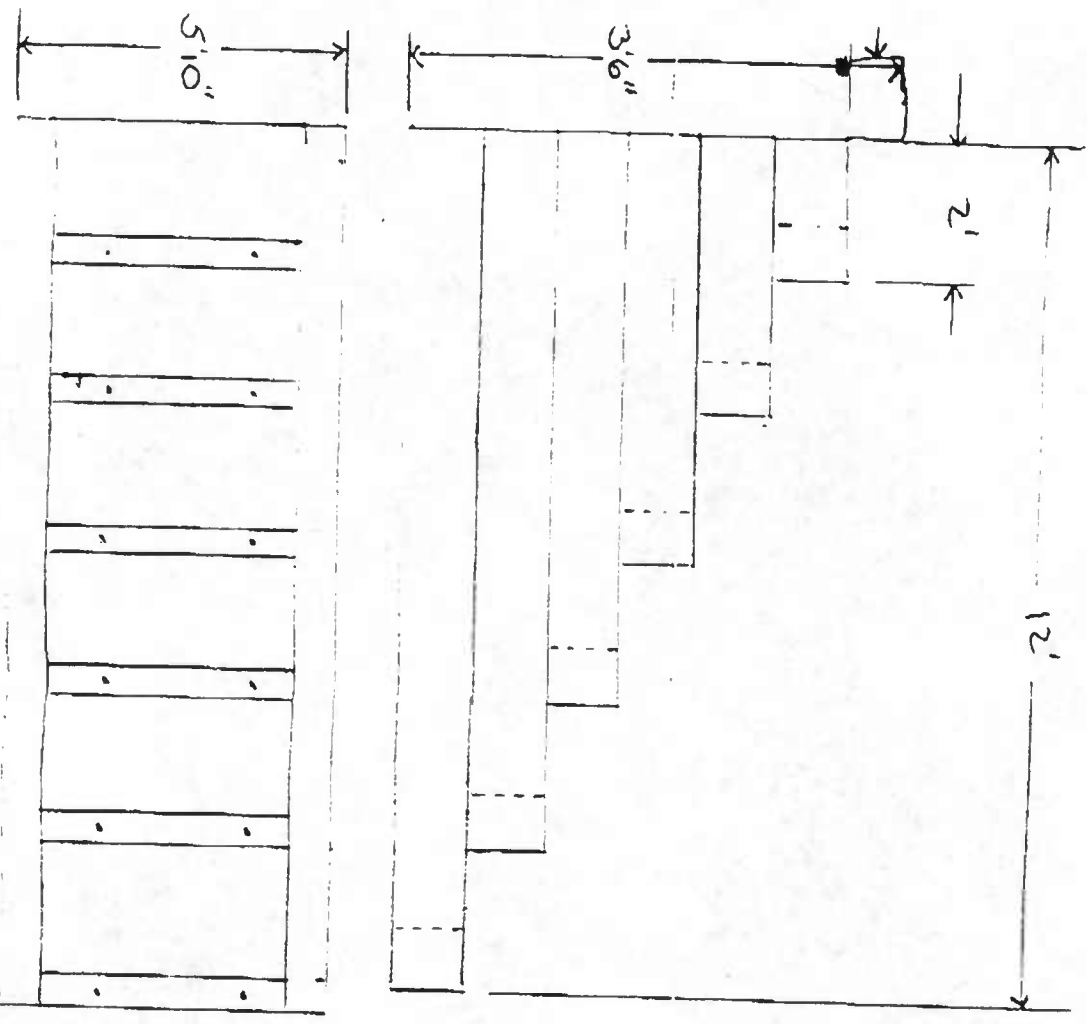
Mr. Young of troop 777 approached me recently for a project. I suggested steps at Rock Run. This will alleviate the current situation that requires canoes and kayaks to be dropped over the wall or balanced on top to gain access to the river. Mr. Dave Decker has been consulted regarding permits and feels that none are necessary. Please forward this request to the Central Region Planning Committee.

Thank you.

Rockrum Step
(not to scale)

- Materials
 6"x6"x8'-
 Rebar
 nails
 Stone Dust

existing
 stone
 wall
 first step

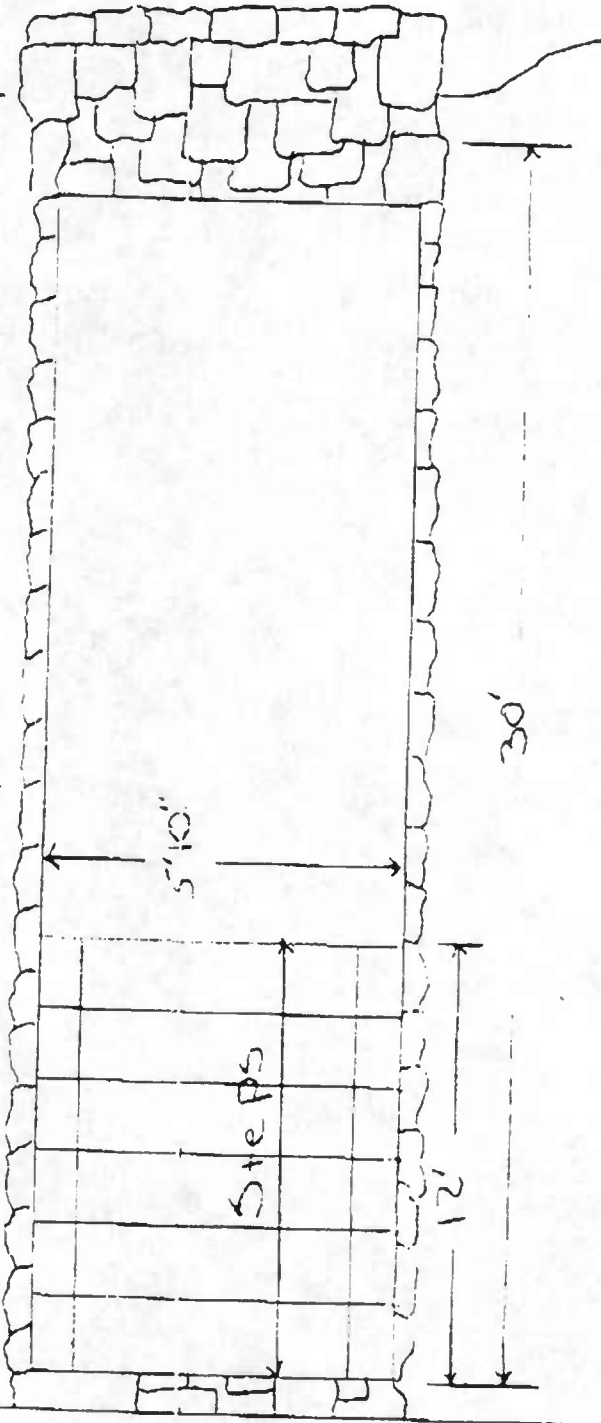


Susq. River

Over view
Rock Run Cancee Site

Existing
stone
walls

Greenway
Trail



Note: Could use photographs



Judge John C. North, II
Chairman

Reader file

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 31, 2000

Mr. P.N. Vasanth, P.E.
Design Engineering Manager
Maryland Port Administration
Maritime Center II
2310 Broening Highway
Baltimore, MD 21224

***RE: Contract No. 500022
Underground Storage Tank Removal
Dundalk and North Locust Point Marine Terminals***

Dear Mr. Vasanth:

Thank you for submitting the Dundalk and North Locust Point Marine Terminal plans showing the Critical Area boundary and the location of underground storage tanks to be removed. This office understands that your office is proposing to remove underground tanks, remove contaminated soil, backfill the area disturbed and restore the land at grade to its original condition.

This office also understands that:

1. This project will not increase quantity or lessen run-off;
2. No known threatened or endangered plant or animal species exist in the area; and,
3. Sediment and erosion control measures as approved by the Maryland Department of the Environment, will be strictly enforced to protect water quality.

Critical Area Commission staff has determined that this project is consistent with Appendix A, Section A, No. 5 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

*Continued, Page Two
Underground Storage Tanks
Dundalk and North Locust
Point Marine Terminal
March 31, 2000*

If there are any changes in development activity in the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Mr. M. Hild
Mr. D. Matzke
Regina Esslinger
General File



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 29, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street
Baltimore, Maryland 21202

RE: CSX Potash Domes
1501 East Patapsco Avenue
Local Case Number: 000495

Dear Mr. Stuart:

This office understands that the applicant is proposing to grade the site within the Intensely Developed Area. After reviewing the above site plan, this office has determined that the above project is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 130-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 29, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, Maryland 21401

RE: Belaga Project
5 Stephen Point

Dear Mr. Torney:

Thank you for providing information on the above administrative variance. This office understands that the applicant is proposing to build an addition (4' x 30'), a cantilevered walkway attached to the house (3' x 48'), and a brick patio (25' x 15') within the 100-foot Buffer.

Because the Commission voted to declare that the City of Annapolis' Critical Area Program omitted certain provisions, your office will not be able to issue any variances at this time for the above project. (See attached letter dated February 8, 2000.) The Commission discussed the City of Annapolis' Critical Area Program deficiencies such as the City's Program provisions concerning the Buffer and the review and approval of variances.

If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Jon Arason
Ren Serey
Regina Esslinger
AN 106 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 8, 2000

Mr. Jon Arason, Planning Director
Department of Planning and Zoning
Municipal Building
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Re: Notice of Action pursuant to Maryland Annotated Code, Natural
Resources Article, Section 8-1809

Dear Mr. Arason:

This letter serves as notice of action taken by the Chesapeake Bay Critical Area Commission ("Commission") at its regular meeting on February 2, 2000, pursuant to Maryland Annotated Code, Natural Resources Article, Section 8-1809. The Commission voted to declare that the City of Annapolis Critical Area Program ("City Program") omitted certain provisions for Buffer expansion and the review of variances which are required in local Critical Area Programs by COMAR 27.01.09 and 27.01.10.

At its February 2, 2000 meeting, the Commission discussed the City of Annapolis Critical Area Program, and in particular, the City Program's provisions concerning the Buffer and the review and approval of variances. These provisions are found at Sections 21.67.060 E and 21.67.150 of the City Code, respectively. The Commission considered the City Program's provisions for the Buffer and for variances in comparison with the requirements of COMAR 27.01.09 and 27.01.11. This consideration occurred pursuant to the Commission's responsibility under Section 8-1809 of the Natural Resources Article, Maryland Annotated Code. After this discussion, the Commission voted (unanimously) on a Motion:

To invoke Section 8-1809 (l) (1); and

To determine that the City of Annapolis Critical Area Program has omitted the following requirements of the Commission's Criteria:

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

COMAR 27.01.09.01 C (7):

“Local jurisdictions shall expand the Buffer beyond 100 feet to include contiguous, sensitive areas, such as steep slopes, hydric soils, or highly erodible soils, whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15 percent or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope, or to the top of the slope, whichever is greater in extent.”

COMAR 27.01.11 A (1) and (2):

“In the preparation of local programs, local jurisdictions shall make provision for the granting of variances to these criteria where, owing to special features of a site or other circumstances, local government implementation of this subtitle or a literal enforcement of provisions within the jurisdictions’s Critical Area program would result in unwarranted hardship to an applicant. These variance provisions shall be designed in a manner consistent with the spirit and intent of this chapter and all local Critical Area program elements. The variance provisions shall, at a minimum, provide for the following:

That findings are made by the local jurisdiction which demonstrate that special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction involved and that a literal enforcement of provisions within the jurisdiction’s Critical Area program would result in unwarranted hardship;

That a literal interpretation of this subtitle or the local Critical Area program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.”

To notify the City of the deficiency; and

To request that the City submit a proposed program amendment or program refinement to correct the deficiency.

The specific changes necessary to correct these deficiencies are:

Add the following language to Section 21.67.060 E of the City Code:

3. The Buffer shall be expanded beyond 100 feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous steep slopes of 15% or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope or to the top of the slope, whichever is greater.
4. If the Buffer or expanded Buffer are impacted by proposed development, the applicant shall obtain a variance in accordance with the variance provisions included herein.

Repeal and replace Section 21.67.150 A and B of the City Code with the following language:

- A. Special conditions or circumstances exist that are peculiar to the land or structure involved such that a literal enforcement of the provisions and requirements of the City's Critical Area Program would result in unwarranted hardship;
- B. A literal interpretation of the provisions of the Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area;

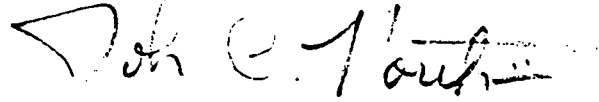
This action of the Commission is intended to be, and is, an action of the Commission pursuant to Natural Resources Article, Section 8-1809 (l). As a result of this vote, the City shall submit to the Commission, as a program amendment or program refinement, any changes to the City Program necessary to correct the identified deficiencies. This submission shall be made within 90 days of the date of this letter. Also, as a result of this vote by the Commission, from the date of this letter, any local project approval granted under a part of the local program that the Commission has determined to be deficient shall be null and void.

Please be assured that the Commission took this action only after much deliberation and discussion. The reason for taking this action was to convey to the City the importance that the Commission has placed on the identified deficiencies in the City's Critical Area Program as cited in this letter, and the need to correct these deficiencies.

Mr. Jon Arason
February 8, 2000
Page 4

Please do not hesitate to call me or Ren Serey, the Commission's Executive Director, with any questions. We would be pleased to assist in any way possible.

Very truly yours,

A handwritten signature in black ink, appearing to read "John C. North, II". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke at the end.

John C. North, II
Chairman

cc: The Honorable Dean L. Johnson
Marianne D. Mason, Esq., Assistant Attorney General
Mr. Ren Serey



J
Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 20, 2000

Ms. Crystal Porter
Caroline County Board of Zoning Appeals
P.O. Box 207
Denton, MD 21629

RE: *Marcus Merriken*
Local Case Number: 00-08V

Dear Ms. Porter:

Thank you for providing information on the above variance application. This office understands that the applicant is requesting a variance to the front and side yard property line. Because the variance is not to a Critical Area requirement, this office has no comment.

Thank you for the opportunity to comment. Please include this letter in your file and submit its as part of the record. for this variance. If you have any questions or comments, please contact me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Laurie Schmick
Regina Esslinger
CR120 - 00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 20, 2000

Mr. Jeff Torney
Planner
City of Annapolis P & Z
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Park Place @ West Street and Taylor Avenue

Dear Mr. Torney:

Thank you for providing information on the above site plan. This office understands that the applicant is proposing to redevelop 11.67 acres. Approximately 4.76 acres is in an Intensely Developed Area within the Critical Area. The proposed project will include commercial and residential development. A small section of the proposed development will be constructed on an existing gravel parking area on the southern end of Parcel 53.

After reviewing the proposed development, this office does not oppose the project but the 10% calculations must be submitted since it is in an Intensely Developed Area. Please forward all additional information to this office for review. I will provide comments at that time. If there are any questions, please feel free to call be at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
AN 59-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

March 20, 2000

Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Title Support Service Addition

Dear Mr. Torney:

After reviewing the above project's 10% calculations, this office has determined that the calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger

AN 38-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 17, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
413 East Fayette Street
Baltimore, Maryland 21401

***RE: Comments for Baltimore City
Critical Area Management Program (CAMP)***

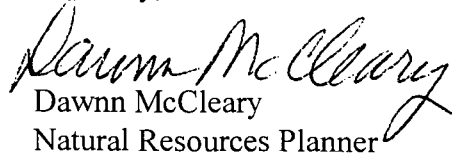
Dear Mr. Stuart:

Thank you for providing a draft of your proposed changes to the City's Zoning Ordinance, Executive Summary and Critical Area Management Program. Please incorporate these comments in the City's draft Critical Area Ordinance.

We would like to meet with you to discuss our comments concerning certain sections of your Critical Area Zoning Ordinance, Critical Area Management Program and Executive Summary. I will call you to set up a date and time that we could meet with your staff.

If there are any questions pertaining to the attached comments, please feel free to call me at (410) 260 - 7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Ren Serey
Mary Owens
File: Balto. revisions

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

ZONING
SUBTITLE 3 - Critical Area Overlay District
PART I. - DEFINITIONS: OVERVIEW
COMMENTS

§ 8-301- Definitions

1. On page 1, letter b, number 1, change the current "Buffer" definition and replace with "Buffer means an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbance".
2. On page 2, letter f, please replace "would" with "has one or more of the following characteristics."
3. On page 2, letter f, the significant development definition needs more clarification. We would like to meet with you to discuss this definition.
4. On page 3, letter g, number 3, replace "unless they are part of a" with "installed and maintained by riparian land owners and which are not part of a ..."
5. Where would the City add the "Brownfields" definition in the Zoning code of the Critical Area overlay District ?
6. The City may want to move the definitions in Appendix I into § 8-301 - Definitions section. We would like to meet with you to discuss this section.

§ 8-303 - Critical Area and Buffer

1. On page 4, letter a, delete the words "State" and "Law" and replace the word "Law" on the first line with "Act". Delete "extends 1,000 feet from the head of tide (as indicated on the State wetland maps) along its entire length of shoreline" and replace with "consists of all waters of and land under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State Wetland maps and -all State and private Wetlands designated under Title 9 of the Natural Resources Article and all land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides"
2. On page 4, letter b, delete the current definition and replace with "Buffer means an existing naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbance".

Continued, Page Two
Baltimore City Comprehensive
Review Definition Comments
March 17, 2000

3. On page 4, letter (b), the City ordinance should address expansion of the Buffer. Add " The Buffer shall be expanded beyond 100-feet to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. In the case of contiguous slopes of 15% or greater, the Buffer shall be expanded 4 feet for every 1 percent of slope or to the top of the slope, whichever is greater in extent."

§ 8-304 - Development Areas

1. On page 4, letter b, numbers 1 and 3, it should be stated that "Waterfront Revitalization Area and Waterfront Industrial Area are sub-areas of Intensely Developed Area" in this section.
2. On page 4, letter b, delete the number "3" and change to the word "three".

Part II. General Requirements

§ 8-309 - General use regulations

1. On page 5, letter a, this section is not clear in reference to the type of uses that the City permits in the Resource Conservation Area. See COMAR 27.01.02.05(C) of the Criteria.
2. On page 5, line 3, letter c, delete the number "9" from this sentence.

§ 8-310 - Prohibited uses

1. On page 6, please clarify letters a and b of this section. Also, No. 1-10 for letter a and number 1 for letter b should be prohibited in the Critical Area and Buffer.
2. On page 6, letters a and b, numbers 1-10 for letter a and numbers 1-7 for letter b, the City needs to clarify this section. It is not clear and does not reflect what is outlined in COMAR 27.01.02.02 G and F of the Criteria and we need to discuss it.

Continued, Page Three
Baltimore City Comprehensive
Review Definition Comments
March 17, 2000

3. On page 7, letter c, number 1, please spell out the name of what City "Board" you are referring to.

§ 8- 311 - Water dependent facilities within the Buffer

1. On page 7, line 1, add "in IDA " after the word "Buffer". Please delete numbers 1- 4 and add language to reflect what is in COMAR 27.01.03.03A(1 - 5) and B of the Criteria.

Part III. Development Area Requirements

§ 8--317 - Resources Conservation Area (RCA)

1. On page 8, letter a, line 3, we need clarification on the uses in the RCA. See my comments under §8-301, number 1. Please clarify "open space and public recreational, cultural, and educational facilities".

2. On page 9, letter b, line 1, new marina and related facilities are not permitted in the Buffer within the RCA except as provided in COMAR 27.01.03.08 (A and B). This section is unclear and does not reflect what is outlined in the Critical Area Criteria. The City needs to review COMAR 27.01.03.06(B).

3. On page 9, letter c, does "none" mean that all accessory and conditional uses are prohibited? Please clarify.

§ 8-318 - Waterfront Revitalization Area

1. On page 9, letters a and b, please clarify and spell out what uses are permitted in the Waterfront Revitalization Area within the Buffer and the Critical Area.

Continued, Page Four
Baltimore City Comprehensive
Review Definition Comments
March 17, 2000

§ 8-319 - Waterfront Industrial Area

1. On page 9, letters a and b, please clarify and spell out what uses are permitted in the Waterfront Industrial Area within the Buffer and the Critical Area.

Part IV. Administration

§ 8-322 - Conditional uses and variance

1. On page 10, letter c, under Findings —Board, please spell out what City "Board " is making findings.

**BALTIMORE CITY
CRITICAL AREA
MANAGEMENT PROGRAM (CAMP)
COMMENTS**

SECTION 1 - Chesapeake Bay Critical Area Law and Regulations

1. Page 3, paragraph 2, line 2, there is a typographical error. The word "or" should be removed.

SECTION II - Resource Protection Plan Summary

1. Page 5, paragraph A(2), line 3, there is a typographical error. The word "plan" should be replaced with "plant".
2. Page 5, paragraph A(2), number 6, remove "at least 300 feet in width". These words are examples and not a minimum requirement.
3. Page 6, paragraph A (2), number 10, add "including non-tidal wetlands" after "habitat of local significance".
4. Page 6, paragraphs 1 and 2, under Proposed Habitat Protection Area (HPAs), we need more clarification regarding Habitat Protection Areas and significant vegetation. How does the city apply this section to projects? How is significant vegetation defined? Critical Area staff would like to meet with you on this section. In the same section, add a colon at the end of the sentence under Protection Requirements for Designated HPAs.
5. Page 7, paragraph 2, under Mitigation Plan, the City should address having the mitigation installed as well as collect a bond before an occupancy permit is issued.
6. Page 7, paragraph 4, under Grandfathering, there is a typographical error. The word "a" should be removed in line 1. Delete "is applicable to the requirements of this Habitation Protection Plan." Nothing in this section shall be interpreted as altering any requirements for development activities set out in the Habitat Protection Areas and Water Dependent Facilities Section of this program. See COMAR 27.01.02.07 D of the Criteria.
7. Page 7, paragraph 5, under Tree Replacement Requirement, how does the City address trees less than 4" caliper (e.g. smaller trees), and other vegetation (e.g. shrubs, herbaceous plants, etc.) in reference to cutting or removal in the Critical Area?
8. Page 10, paragraph B(2), line 6 under Water Quality Improvement Plan, delete the apostrophe from "BMP's".

Continued, Page Two
Baltimore City Critical Area
Management Program Comments
March 17, 2000

9. Page 11, paragraph E(1), under Water Dependent Facilities and Waterfront Industrial Plan, add a period after the word "rates" to the third sentence, line 6. Start the fourth sentence, line 6 after the period with "In order ..." For clarity, the third sentence should be broken up into two sentences.

10. Page 12, paragraph E (2), top of page, clarify how "water oriented" relates to "water dependent". Add language outlined in COMAR 27.01.03.03(A)(4) on page 26 in the Criteria.

SECTION III - Development Requirements

1. Page 14, paragraph A (1-7), under Public Actions That Trigger Critical Area Review, take out "Critical Area Review" in the first sentence and replace with "local Critical Area Review". Clarify whether building permits in the Critical Area are included in this section.

2. Pages 14 and 15, paragraph B(1-2), under Prohibited Uses within the Buffer, we need clarification on the uses in the RCA. See my comments under Zoning, 8-301, number 1.

3. Pages 15 and 16, paragraph C, under Significant Development, delete the word "would" and add "meet at least one of the following Criteria". This section is unclear. Please reword or clarify this entire section. Delete number 2 and include the Buffer language in number. Critical Area staff would like to meet with the City staff to discuss how the City has applied this section to projects.

4. Page 16, paragraph 1, under Background, this section is not clear with regard to Criteria for Small Sites and Derelict Buildings (5,000\10,000 square feet). There seem to be conflicts in the terms used and the square footage associated with them. We need to discuss this section with the City.

5. Page 17, paragraph D (2), under CAMP Requirements, add "pollutant" before loading in the first sentence and delete "pollution" in line 2 and replace with "pollutant". Capitalize the words "Buffer" in sentences two and three.

6. Page 17, paragraph D (3), under CAMP Marina Requirements, second paragraph, does the City still require aeration systems in Baltimore City's marina? If so, how are they being used. Please clarify this section.

Continued, Page Three
Baltimore City Critical Area
Management Program Comments
March 17, 2000

7. Page 18, paragraph, D (4), under Tree Replacement Requirements, again, please clarify what the City does for trees less than 4" caliper (e.g. smaller trees) and other vegetation (e.g. shrubs, bushes, etc.) in reference to cutting and removal in the Critical Area. For Forest Clearing in the RCA without a permit, why is the City requiring 2:1 mitigation? A ratio of 3:1 mitigation as specified in COMAR 27.01.02.04(C)(5)(c) is required.
8. Page 19, paragraph D (5), under Barges, please provide this section and make available to Critical Area staff for review and comments.
9. Page 19, paragraph E (1)(b), under Waterfront Revitalization Area, please clarify the first sentence of this section: " The developer who encroaches upon the Buffer is encouraged to plant vegetation on as much of the Buffer as possible." How is it implemented? Capitalize "Buffer" in the second sentence, line 5 of this section.
10. Page 22, paragraph E(3)(a), under Impervious Surfaces Limitation, the City may want to include the recent amendment to the impervious surface limitations and refer to the impervious surface guidance paper. See the attached Natural Resources Article § 8-1808.3.
11. Page 22, Paragraph E(3)(b), under Requirements for Development Outside the Buffer, the 10 % run-off pollution reduction requirements are not mandatory in Resource Conservation Areas.
12. Page 22, paragraph E(3)(c), under Requirement for Development within the Buffer, the 10% run-off pollution reduction requirement for stormwater is not mandatory in the Resource Conservation Areas.
13. Page 23, paragraph I (1), under Criteria for Small Sites and Derelict Buildings Residential Uses, this section is unclear. Please clarify. We would also like to discuss this section with you.
14. Page 23, paragraph II (1), under Outdoor Storage Areas in the Buffer, clarify where these provisions apply. Do they apply in both the IDA and RCA? Generally, new storage areas are not permitted in the Buffer. We would like to discuss this section with you.
15. Page 24, paragraph I, under Cumulative Impact of Development, the City needs to clarify this section on cumulative impacts.

Continued, Page Four
Baltimore City Critical Area
Management Program Comments
March 17, 2000

16. Page 24, paragraph J, under Grandfathering, this section is unclear and does not accurately reflect what is outlined in the Criteria. The City needs to review their grandfathering language. Please use the grandfathering language in 27.01.02.07(A- D) of the Criteria and from the model program. (See attached model program)

17. Pages 25 and 26, paragraph L (1-3), under Development in the Critical Area Resulting from State and Local Agency Action, we need to meet with you to discuss Appendix J and all other local projects.

SECTION IV: Offset Program

1. Page 27, paragraph B, first sentence, capitalize the letter "b" in Buffer.
2. Page 28, paragraph C(1), the City needs to clarify this section on Buffer offset fees. We would like to meet with you to discuss this section.
3. Pages 28 and 29, paragraph 1 (A, B, C and D) and paragraph 2, the City needs to clarify this section on Brownfields. We would like to meet with you to discuss this section.
4. Page 29, paragraph 3, under Receiving Areas for Buffer Offset Project, delete the number "3" on line three.
5. Page 30, paragraph 3, under Receiving Areas for Buffer Offset Project, capitalize the small "b" in the word "Buffer" in paragraph b.
6. Page 31, paragraph C(3), under Compliance with Baltimore City Stormwater Management Regulation, second sentence, delete the word "with" after the word "meet". Also, please clarify the last sentence of this section. Does it apply in both RCA and IDA?

**SECTION V: ADMINISTRATION OF THE CRITICAL AREA
MANAGEMENT PROGRAM**

1. Page 32, paragraph A, under Critical Area Review Process, change "Critical Area Criteria" to "Critical Area requirements" in the second sentence, line 3.

**BALTIMORE CITY
EXECUTIVE SUMMARY
COMMENTS**

1. Under Introduction, first page, combine number 2 and number 10.
2. In reference to Significant Vegetation in HPAs , under Protection Requirements for Designated Habitat Protection Plan, please refer to my comments on significant vegetation in HPAs in Section II, Resources Protection Plan Summary, number 4.
3. Under Habitat Assessment, last sentence, line 8, delete "to" after A- 4 and replace with "of".
4. Under Grandfathering, first paragraph, please refer to my comments on grandfathering in Section III -Development Requirements, number 16.
5. Under Tree Replacement Requirements, please refer to my comments on tree replacement in Section III- Development Requirements, page 18.
6. Under Baltimore City, Critical Area Habitat Protection Plan, Paragraph I, number (1), the Buffer may not be vegetated. How does the City handle non-vegetated Buffers?
7. In paragraph II, Baltimore City Critical Area Plant and Wildlife Habitat , number 2- Non-tidal wetlands, please delete this section and renumber. It can be addressed in number 10 - Habitats of local significance if the City wants to specify protection measures for non-tidal wetlands beyond what is required by Maryland Department of the Environment regulations.
8. In paragraph II, Baltimore City Plant and Wildlife Habitat, number 6, delete "of at least 300 feet in width". Riparian forests do not have a minimum width and should be protected.
9. In paragraph II, Baltimore City Plant and Wildlife Habitat, number 7- Forest interior dwelling(FID) bird habitat, the State Critical Area Law does not identify 19 forest interior dwelling birds species, although species are identified in the Commission's guidance on FID protection. Please revise the information in this section.
10. In paragraph II , Baltimore City Plant and Wildlife Habitat, number 9 - Anadromous fish propagation waters, please clarify where the City got this information and has it been updated.

Continued, Page Two
Baltimore City Critical Area
Executive Summary Comments
March 17, 2000

11. In paragraph II, Baltimore City Plant and Wildlife Habitat, number 10(B)- Non-tidal wetlands delete " the State Critical Area Law requires". The Critical Area Commission no longer regulates non-tidal wetlands. A person conducting a regulated activity within the non-tidal wetlands in the Critical Area shall obtain a permit from MDE. If the City wants to specify protection measures for non-tidal wetlands beyond what is required by MDE, we recommend that you refer to MDE regulations, which include the most current information as guidance.
12. In Section III, Baltimore City Habitat Protection Areas, first paragraph, delete one of the "non-tidal wetlands" so that this section will reflect five types of habitats.
13. In Section III (A), number 5, Masonville, fifth paragraph, the last two sentences should not be deleted.
14. In Section III(A), number 10, Thoms Cove, the second paragraph should not be deleted. The information is accurate.
15. Sections IV, V, VI, under Executive Summary, are already mentioned in the CAMP document. Please clarify why these sections are repeated in the Executive Summary.
16. What is the purpose of the Executive Summary? Where and how is it used?



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

March 16, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, MD 21202

***RE: 700 -706 South Bond Street
Local Case Number: 001276***

Dear Mr. Stuart:

Thank you providing information on the above subdivision application. The applicant is proposing to subdivide the existing lot into four individual new lots for a proposed townhouse development. This office has reviewed the above project and has determined that the proposed subdivision and 10% calculations are consistent with the Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 108-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 10, 2000

Mr. Bruce M. Grey
Deputy Division Chief
Project Planning Division
State Highway Administration
P.O. Box 717
Baltimore, MD 21203-0717

RE: US 40 Westbound : MD 7 to Long Bar Harbor Road
Project Number: HA190A21

Dear Mr. Grey:

Thank you for submitting State Highway Administration's (SHA) proposal to resurface the existing US 40 westbound roadway from MD 7 to Long Bar Harbor Road in Harford County. This office understands that the project will consist of patching, grinding, resurfacing, improving drainage, pavement marking, signing and upgrading guardrails in areas totaling 3.84 miles. The project area will cross Resource Conservation Areas and an Intensely Developed Area and is adjacent to a Limited Development Area within the Critical Area. Construction will be limited to the existing SHA right-of-way. There will be no increase to existing impervious surface within the Critical Area boundary.

Also, this office understands that:

1. Strict sediment and erosion control practices will be enforced during construction to minimize impacts to water quality;
2. Several wetlands are adjacent to the project site and a few appear to cross the roadway. A wetland delineation will be conducted to ensure these areas are avoided, if possible;
3. The Department of Natural Resources (DNR), Environmental Review Unit has advised SHA of anadromous fish species documented near the project site. The species will be protected by the in-stream work prohibition period for Use I waters, sediment and erosion control methods, and other Best Management Practices; and,

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Continued, Page Two

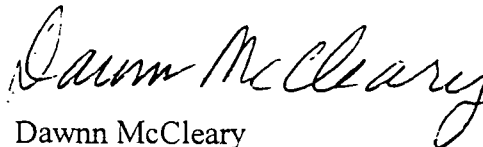
**US 40\Long Bar Harbor Road Resurfacing
March 10, 2000**

4. The Department of Natural Resources Forest, Wildlife and Heritage Service listed several species of concern known to occur within the vicinity of the project site. A species survey will be conducted to identify the individuals in the project area.

Critical Area Commission staff has determined that this project is consistent with Appendix B, No. 2 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel to call me at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Pat Pudelkewicz
Regina Esslinger
General File

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 7, 2000

Mr. Jordan Loran
Eastern Regional Chief
Engineering and Construction Program
Department of Natural Resources
Tawes State Office Building, D-3
580 Taylor Ave
Annapolis, MD 21410

RE: Martinak State Park Playground

Dear Mr. Loran:

Critical Area Commission staff has reviewed the proposed playground in Martinak State Park in Caroline County. This office understands that the playground will have a Fibar System floor such as wood chips and will be placed in an area that is currently cleared. Also, there will be no disturbance to the 100-foot Buffer and the area of disturbance within the Critical Area will be approximately 2,800 square feet.

This office has determined that the proposed playground is consistent with the COMAR 27.02.05 (State Agency Actions Resulting in Development on State Land). Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity of comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
State Project: 07-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 7, 2000

Mr. Jordan Loran
Eastern Regional Chief
Engineering and Construction Program
Department of Natural Resources
Tawes State Office Building, D-3
580 Taylor Ave
Annapolis, MD 21401

RE: Martinak State Park Pavilion

Dear Mr. Loran:

On March 1, 2000, the Critical Area Commission unanimously approved the proposed 20' x 65' prefabricated wood picnic shelter at Martinak State Park in Caroline County.

Thank you for providing the information necessary for Commission review and approval. If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,

Dawnn McCearry
Natural Resources Planner

cc: Regina Esslinger
State Project: 07-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 29, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

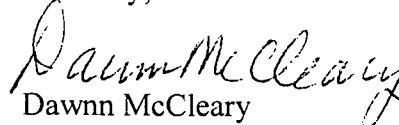
RE: Perryman Golf Course
Local Case Number: S-00-0015

Dear Ms. Gleisner:

Thank you for submitting the site plan for the Perryman golf course. This office understands that the applicant is proposing to build an 18 hole golf course within the Critical Area. After reviewing the proposed site plan, it appears that 0.7 acres (30,492 square feet) of natural vegetation will be removed within buffers. Please clarify which buffers (e.g. Critical Area 100-foot Buffer or the County's 75-foot wetland buffer) will be cleared and reforested? Also, please show on the site plan where and why the clearing is needed.

We would also like a copy of the planting plan for any reforestation within Critical Area. Please see attached "Native Plantings of Maryland" list for reforestation. Please clarify the above questions and forward all additional information to this office for review. Comments will be submitted at that time. If you have any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 69-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Mr. William Phillips, PE
Project Manager
STV- Moffatt and Nichol Joint Venture
21 Governor's Court
Baltimore, Maryland 21244-2794

RE: Reconstruction Areas 1501 and 1602
Dundalk Marine Terminal
MPA Contract 599911

Dear Mr. Phillips:

Thank you for submitting the Maryland Port Administration's (MPA) reconstruction plan for Areas 1501 and 1602 for Dundalk Marine Terminal. This office understands that your office is proposing a 7-foot fill section with a new paved surface over the existing site. According to your letter, the site was originally paved in 1981 over an existing fill containing chrome ore tailings for use as a storage lot. The chrome fill has caused expansion of the pavement over the years causing damage to the paving and site utilities. The damage caused by the chromium heaving has made the site unusable.

This office also understands that:

1. The 7-foot section will create a level surface for the paving section and the weight of the section will act to resist any further chromium heaving; and,
2. You are proposing to reconstruct an existing paving section used for storage and will not be changing the site's usage.


Critical Area Commission staff has determined that this project is consistent with Appendix A, Section B, No.2 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

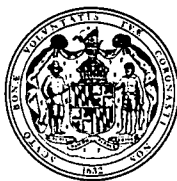
*Continued, Page Two
Dundalk Marine Terminal
February 24, 2000*

If there are any changes in development activity in the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Doug Matzke
Michael Hild
Regina Esslinger
State Project:03-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

**RE: Waters Edge Corporate Campus
Lots 1 and 2 Subdivision
Local Case Number: P-00-039**

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to subdivide Lots 1 and 2 within the Critical Area. This office has determined that the proposed subdivision is consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 90-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

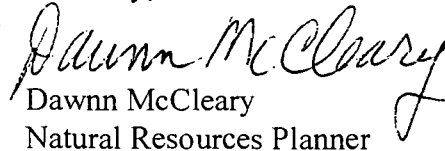
**RE: Waters Edge Corporate Campus, Lot 2
Local Case Number: S-00-040**

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to build an office building, a restaurant and two community centers within the Critical Area. This office does not oppose the proposed project. After reviewing the site plan, Critical Area staff found the restaurant and office building right on the edge of the 100-foot Buffer. No disturbance, before or after construction, can take place in the 100-foot Buffer without a variance. This office will oppose a variance to the Buffer. The applicant should move both buildings away from the edge of the Buffer.

You indicated in a phone conversation that a consultant is working on revised 10% calculations for the entire site. When the calculations are completed, please forward them to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 91-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County Planning and Zoning
220 South Main Street
Bel Air, Maryland 21014-3865


RE: Bata Business Center, Lot 3
Local Case Number: 3-00-017

Dear Ms. Gleisner:

This office has reviewed the applicant's proposal to build a 300,000 square foot warehouse building in the Critical Area on Lot 3. After reviewing the above project, this office does not oppose the proposed warehouse.

You indicated in a phone conversation that the consultant is working on revised 10% calculations for the entire site. When the calculations are complete, please forward them to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Regina Esslinger
HC 70-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

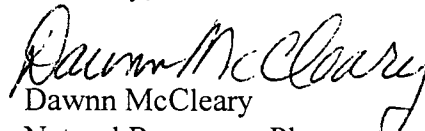
Mr. Jeff Torney
Planner
City of Annapolis Planning and Zoning
160 Duke of Gloucester Street
Annapolis, MD 21401

RE: Title Support Addition

Dear Mr. Torney:

After reviewing the above project, this office does not oppose the project but the 10% calculations must be submitted since it is in an Intensely Developed Area. Please forward all additional information to this office for review. I will provide comments at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger

AN 38-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 16, 2000

Mr. Jordan Loran
Eastern Regional Chief
Engineering & Construction Program
Department of Natural Resources
Tawes State Office Building, D-3
580 Taylor Ave
Annapolis, MD 21401

RE: Martinak State Park Proposed Pavilion

Dear Mr. Loran:

As requested, in your February 14, 2000 letter, Critical Area staff has placed the proposed shelter in Martinak State Park on the Commission's agenda for March 1, 2000. This office understands that the project includes the building of a shelter (a 20' x 65' prefabricated wood picnic shelter) to place the remains of a historical ship within the Critical Area. The proposed playground will be handled in-house by Critical Area staff. Finally, Critical Area staff will send you an agenda and directions before the Commission meeting. If you have any questions, please feel free to call me at (410) 260-7072.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".

Dawnn McCleary
Natural Resources Planner

cc: Arnold Norden
Regina Esslinger
State Project: 07-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 16, 2000

Mr. Arnold Norden
Natural Resources Planner
Land and Water Conservation Service
Department of Natural Resources
Tawes State Office Building, E-4
580 Taylor Ave
Annapolis, MD 21401

***RE: Martinak State Park
New Shelter for Historic Ship(00-DNR-013)***

Dear Mr. Norden:

Critical Area staff understands that the Department of Natural Resources is proposing to build a 20' x 65' prefabricated wood picnic shelter to store a historical ship within the Critical Area. Critical Area staff has determined that since this project is a State project on State-owned land in the Critical Area, this project will need Commission approval. On March 1, 2000, the proposed shelter will be placed on the Commission's meeting agenda for review and approval.

If there are any questions, please feel to call me at (410) 260-7072.

Sincerely,

Dawnn McCleary
Natural Resources Planner

cc: Jordan Loran
Regina Esslinger
General File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

*Read
file*

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

Mr. Duncan Stuart
Environmental Planner
Baltimore City Dept. of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: Port Liberty
Local Case Number: 000456

Dear Mr. Stuart:

Thank you for submitting the application for the above project. This project involves the grading and paving of the site. The entire project to be paved lies within the 100-foot Buffer and is adjacent to the Patapsco River.

This office understands that the project is part of the brownfields program, in accordance with the remediation requirements mandated by the Maryland Department of the Environment. The entire Port Liberty site must be encapsulated with impervious material in order to contain lead contaminants that exist within the soil. The paving of the site will reduce the contamination to the Patapsco River by eliminating the possibility that lead from the site will run off into the river. Right now, the paving operations must be completed by May 31, 2000 as part of the remediation requirements.

According to the applicant, there seems to be no practical method of reducing the pollutant load by 10% in accordance with the Critical Area requirements. Accordingly, this office understands that off-set fees will be paid in accordance with the City's requirements. Finally, this office understands:

1. That the applicant will be operating an auto terminal business as well as leasing a cable operation business for underwater work; and,
2. That both businesses will require some form of activity that cannot exist outside the Buffer and is dependent on the water by reason of the intrinsic nature of its operation.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Continued, Page Two
Port Liberty
February 15, 2000

After reviewing this project, this office has determine that the proposed redevelopment and the 10% calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call met at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 39- 00

J
Judge John C. North, II
Chairman



Reader
file

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

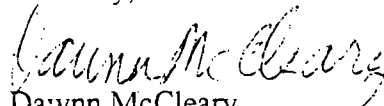
Mr. Duncan Stuart
Environmental Planner
Baltimore Department of Planning
417 East Fayette Street, 8th Floor
Baltimore, Maryland 21202

RE: President Street Garage
Local Case Number: 000258

Dear Mr. Stuart:

This office has reviewed the applicant's proposal to demolish an existing building and replace it with a new parking garage. This office has determined that the proposed redevelopment and the 10 % calculations are correct and consistent with the local Critical Area Program. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Regina Esslinger
BA 40-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-047 Fax: (410) 320-3093

TTY FOR DEAF ANNEAPOLIS-974-2609 D.C. METRO-536-0450

Reader
file



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

Mr. Vernon Husted
Sigma Engineering, Inc.
45 Old Solomon Island Road
Suite 204
Annapolis, MD 21401

RE: Crab Creek Site Plan Revision

Dear Mr. Husted:

Thank you for meeting with the Critical Area staff on February 8, 2000 regarding your recent site plan revisions for the Crab Creek subdivision. During our meeting, we were very pleased that you were able to move the swimming pool, parking lot, and two stormwater management ponds out of the Resource Conservation Area (RCA). Critical Area staff also understands that in the current plan, you were able to create nine (9) additional lots.

During our meeting, we discussed with you additional information that needs to be included on the site plan. They are as follows:

1. The plat should show the 100-foot Buffer and the expanded Buffer to include 15% or greater steep slopes;
2. The location of steep slopes in the Critical Area should be shown on the plat;
3. The total acreage in the Critical Area must be shown on the plat;
4. The amount of impervious surfaces proposed for lots and all roads in the Critical Area should be provided;
5. The sizes of the lots must be specified;
6. The plat should show the location of the proposed fishing and crabbing pier with boardwalk;
7. The location of any non-tidal wetlands should be shown on the plat; and,

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

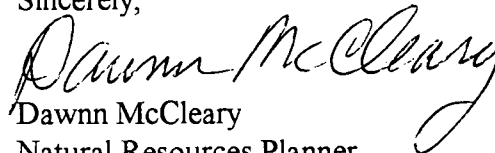


Continued, Page Two
Crab Creek Subdivision Revision
February 15, 2000

8. The applicant needs to show on the plat the existing woodland and forest as well as the amount to be removed and mitigated on site with native species.

Finally, Critical Area staff is available to assist you with any questions or concerns. You are welcome to forward the additional site plan revisions to this office for review and discussion, if you like. Please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Tom Smith
Jeff Torney
Ren Serey
Mary Owens
Regina Esslinger
AN 565-99

Reader
file

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 11, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
P.O. Box 207
Denton, MD 21629

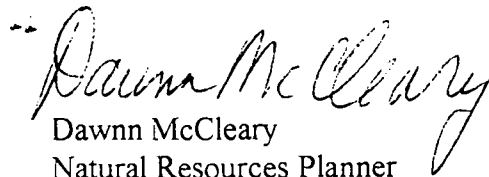
RE: Choptank River Yacht Club, Inc.
Local Case Number: 00-05V

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is requesting a variance to construct a 8' x 32' addition and fence in a Limited Development Area within the 100 foot Buffer. After reviewing the site plan, this office does not oppose the variance for the addition within Buffer. Because the addition and fence are in the Buffer, this office recommends that the area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Crystal Porter
Regina Esslinger
CR 54-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



*Reader
file*

Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 11, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County Planning and Zoning
P.O. Box 207
Denton, Maryland 21629

**RE: Ralph C. & Norma L. Wellens
Local Case Number: 00-06V**

Dear Ms. Schmick:

Thank you for providing information on the above variance application. The applicant is requesting a variance to construct a 14' x 16' screen porch addition in a Limited Development Area within the 100-foot Buffer. After reviewing the site plan, this office will not oppose the variance request for the porch addition within the 100-foot Buffer. If possible, the applicant should consider an alternative location to move the porch entirely out of the Buffer to eliminate the need for a Buffer variance. Because the addition is in the Buffer, this office recommends that the area disturbed be mitigated at a 3:1 ratio with native plantings, on site if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance application. Please notify the Commission in writing of the Board's decision on this application.

Sincerely,

A handwritten signature in cursive script that reads "Dawnn McCleary".
Dawnn McCleary
Natural Resources Planner

cc: Crystal Porter
Regina Esslinger
CR 53-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Readerfile

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 11, 2000

Mr. Joseph Kocy
Director
Harford County Planning and Zoning
220 South Main Street
Bel Air, MD 21014

***RE: Osborn Property (Old Post , L.L.C.)
Mapping Mistake and Growth Allocation Refinement***

Dear Ms. Gleisner:

On February 2, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination to approve Harford County's request for two refinements to amend the County's Critical Area Program. The purpose of the refinements was to correct a mapping mistake and to approve the award of 6.82 acres of growth allocation to change the designation of the Osborn Property from a Limited Development Area to an Intensely Developed Area.

Section 8-1809 (p)(4) of the Critical Area Act requires the County to incorporate these changes into its Critical Area Program within 120 days of the date of this letter. Thank you for your cooperation.

Sincerely,

Dawnn McCleary
Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Janet Gleisner
Ren Serey
Mary Owens
Amendment file

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(410) 822-9047 Fax: (410) 820-5093





Reader
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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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February 3, 2000

Ms. Janet Gleisner
Environmental Planner
Harford County P & Z
220 South Main Street
Bel Air, Maryland 21014


***RE: Water's Edge Corporate Campus
Rezoning Application
Local Case Number: 110***

Dear Ms. Gleisner:

The applicant is requesting to rezone the above property from a R4 (residential) to C1 (Commercial). This office understands that the portion of the site within the Critical Area is encompassed of 4.946 acres and is designated as Intensely Developed Area (IDA). Because the existing and proposed zoning use is comparable with the IDA designation, this office does not oppose the rezoning of the above project from R4 to C1.

Finally, when the final conceptual plan and site plans are completed, please forward the 10% calculations along with your standard project notification application to this office for review. I will provide comment at that time. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudalkewicz
Regina Esslinger
HC 26-2000

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Reader
file

Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Bruce M. Grey
Deputy Division Chief
Project Planning Division
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21203-0717

***RE: US 40:MD 755 to West of Otter Point Road
Resurfacing Project No. HA198A21***

Dear Mr. Grey:

Thank you for submitting State Highway Administration's (SHA) proposal to resurface the existing roadway of US 40 from MD 755 (Edgewood Road) to west of Otter Point Road in Harford County. This office understands that the project will consist of patching, grinding, resurfacing, drainage improvements, loop repairs, curb and gutter improvement, and guardrail upgrades in areas totaling 2.16 miles. The project will cross two Resource Conservation Areas and an Intensely Developed Area, and border two Limited Development Areas within the Critical Area. Construction will be limited to the existing SHA right-of-way. There will be no increase to the existing impervious surface within the Critical Area boundary.

Also, this office understands that:

1. Several wetlands are adjacent to the project site but construction in the wetlands is not expected. A wetland delineation will be conducted to ensure that these areas are avoided;
2. The Department of Natural Resources (DNR), Environmental Review has advised SHA of anadromous fish species documented near the project site. The species will be protected by in-stream work prohibition period for Use I waters, sediment and erosion control methods and other Best Management Practices; and,

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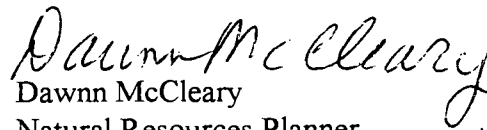
Continued, Page Two
US 40\Otter Creek Point Road
Resurfacing in Harford Co.
February 3, 2000

3. The Dept. of Natural Resources, Forest, Park and Wildlife and Heritage Service listed several species of concern known to occur within the vicinity of the project site. A species survey will be conducted to identify the individuals in the project area.

Critical Area Commission staff has determined that this project is consistent with Appendix B. No. 2 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Pat Pudelkewicz
General File

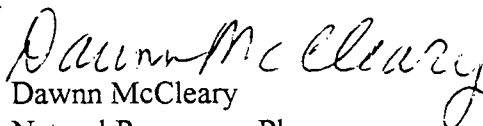
Continued, Page Two
US 40\Otter Creek Point Road
Resurfacing in Harford Co.
February 3, 2000

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Critical Area Commission staff has determined that this project is consistent with Appendix B, No. 2 of the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission's Memorandum of Understanding. Therefore, formal approval of the project by the Commission is not necessary.

If there are any changes in development activity that may affect the habitat within the area on site, this office would like to be notified immediately. Thank you for the opportunity to comment. If there are any questions, please feel free to call me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Janet Gleisner
Pat Pudelkewicz
General File

Reader
516



John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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January 18, 2000

Ms. Lori Schmick
Environmental Planner
Caroline County P & Z
Health and Public Services
P.O. Box 207
Denton, Maryland 21629

**RE: Caroline County Board of Education
Local Case Number: 00-02V**

Dear Ms. Schmick:

This office understands that the applicant is requesting a variance to construct three new additions, tennis court and expansion of the parking lot which will exceed the impervious surface requirements. The lot is in the Resource Conservation Area (RCA) and totals 17.0 acres or 740,520 sq. ft. This office understands that the existing impervious surface is 402,930 sq. ft (54.4 %) which is over the 111,078 sq. ft. of impervious surface limit. The applicant is proposing to add 31,798.80 sq. ft. of new impervious surface, for a total of 462,607.2 sq. ft. (62.47%)

After reviewing the above project, this office will not oppose a variance to exceed the required impervious surface limit. This office understands that the site is currently designated RCA. However, we believe that a more appropriate remedy for the future, for this or similar sites, is to re-designate them to Intensely Developed Area through a mapping mistake. This office is more than willing to work with the County to pursue the most appropriate Critical Area designations for the current or future developments.

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Continued, Page Two
Caroline County Board of Education
January 18, 2000

Thank you for the opportunity to comment. Please submit this letter as part of the record in this case. Please notify the Commission in writing of the decision in this manner. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7072.

Sincerely,



Dawnn McCleary
Natural Resources Planner

cc: Crystal Porter
Mary Owens
Regina Esslinger
CR 4-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 10, 1999

Ms. Janet Gleisner
Environmental Planner
Harford County Planning & Zoning
220 South Main Street
Bel Air, Maryland 21014-3865

***RE: Harford County Board of Appeals
Case #5001 (Bill McGuire)***

Dear Ms. Gleisner:

Thank you for the opportunity to review the applicant's impervious surface variance request. The applicant is proposing to build a new house on an existing developed lot which will exceed the impervious surface limit. The lot is in the Limited Development Area and totals 0.597 acres (26,005 sq. ft.). The existing impervious surface on the lot is 5,863 square feet (22.54%), which is over the 5,445 square feet impervious surface limit. Critical Area Commission staff understands that the applicant is proposing 1,568 square feet of new impervious surface, for a total of 7,431 sq. ft (28.6 %).

After reviewing the variance request, this office opposes any increase in impervious surface above what is currently there. Vegetative plantings cannot be substituted for the amount of new impervious surfaces created. The site plan currently shows that the parking pad (945 sq. ft.) as well as the garage (1,800 sq. ft.) and driveway (2,486 sq. ft.), which are both extremely large, cover a large portion of the site. There is room to reduce the amount of impervious surface on site.

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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Continued, Page Two
Bill McGuire Board of Appeals Case
January 10, 2000

Thank you for the opportunity to comment. Please submit this letter as part of the record in this case. Please notify the Commission in writing of the decision in this manner. If you have any questions regarding these comments, please do not hesitate to contact me at (410) 260-7072.

Sincerely,


Dawnn McCleary
Natural Resources Planner

cc: Pat Pudelkewicz
Tess Cunzeman
Regina Esslinger
HC 639-99

Staff Correspondence Reader File #1: Lisa 2000

S1832-145-3



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 13, 2000

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Local Government Projects - Consistency Reports

Dear Ms. Gawel:

At your request, I am sending you the information regarding submission of local government projects required by COMAR 27.02.02. Enclosed you will find an example of a consistency report sent to this office by Harford County. The report and the elements therein contain the information that we require from the local governments for local government projects. As you will see, the County includes a statement certifying whether or not the project is consistent with the County's Critical Area Program and a general project description and site plan.

You can find the requirements for local government consistency at COMAR 27.02.02. The example included with this letter should provide you with the information you requested. In regard to your question about time of submittal, the County may submit local government projects at sketch or near final. In either case this office will provide written comments. Also, staff is required by COMAR 27.02.02.02 (C) to notify the local jurisdiction within 15 days of receipt of the request if they determine the project is a major development that will require full Commission approval. Generally, most local government projects submitted to the Critical Area Commission staff for review do not require formal Commission approval. For projects that require Commission approval, COMAR 27.02.07.04 requires the Commission to give notice of a decision within 30 days for development of local significance.

If I can provide additional assistance, or you have questions concerning the consistency reporting requirements, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosures

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 17, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: DES Properties, LLC
2000-0183-V

Dear Ms. Morgan:

Thank you for the opportunity to comment on the above-referenced variance to permit a driveway and stormwater management trench with less setbacks and Buffer. The latest plan I have for review is dated July 3, 2000. I have outlined this office's comments and recommendations below. I should preface these comments by indicating that this parcel is considered Forest Interior Dwelling Bird (FID) habitat, and that it is pending subdivision approval. I have provided Ms. Penny Chalkley comments on the proposed subdivision request in a letter dated July 11, 2000 (enclosed). The comments and recommendations below take into consideration the FID habitat.

- 1) The site plan has removed the proposed stormwater management trenches from the Buffer and proposes a nonstructural type of stormwater management. We support this revision since it will require less overall clearing and less permanent impacts to the Buffer.
- 2) As a condition of the variance, we recommend that area outside the defined limits of disturbance (LOD) be placed in a conservation easement with the understanding that no future clearing, including the understory and herbaceous layer, be permitted by future lot owners because it is FID habitat.
- 3) We had several discussions with the applicant, in regard to the proposed driveway and due to an existing easement on the other potential access point, and right-of-way issues with the adjacent parcel, an alternative access point does not appear to be possible.

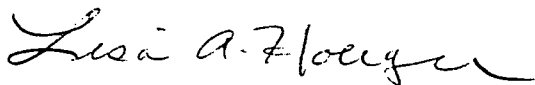
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(410) 822-9047 Fax: (410) 820-5093

Ms. Morgan
Page Two
July 17, 2000

- 4) While the proposed dwelling on lot 23 is not in the Buffer, we recommend scaling back the footprint further to minimize the impacts of the LOD to the Buffer.
- 5) At its June meeting, the Critical Area Commission approved the updated FID Guidance Document titled, *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*. Anne Arundel County has used this guidance document while it was in draft form, and it is my understanding the County intends to continue to use this document for projects occurring in FID habitat. Therefore, the applicant should be required as a condition of the variance to follow the mitigation requirements of this document.
- 6) Since the mitigation component of this document is relatively detailed for inclusion in this correspondence, I am enclosing a copy for your review. The mitigation information can be found beginning on page 21. In general, this configuration will be required to reforest for direct forest habitat loss, plus, two times the number of acres of interior habitat loss.
- 7) In a telephone conversation with Ms. Katherine McCarthy of the Department of Natural Resources, Heritage and Biodiversity Division, I was reminded of the habitat for the endangered plant, Tick-trefoil (*Desmodium pauciflorum*) at Glebe Creek. The habitat area for this species should be clearly identified on the site plan to ensure proposed development will not impact this species.

Thank you for the opportunity to comment. I understand the FID Guidance information is new and may require additional explanation. Please contact me at (410) 260-3478 if I can provide additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosures

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

Thank you for awaiting this office's comments for the above-referenced subdivision request. As you know, we have had several meetings with the applicant which resulted in at least two revisions to the plans. The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. In addition to the FID habitat, this parcel has other sensitive features including steep slopes and intermittent streams. Therefore, accommodating two lots is challenging.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The alternative envelope is closer to the existing forest edge, and will require less impacts for access. In light of this alternative I have outlined below our comments and recommendations for the County's consideration of this subdivision request.

- 1) As discussed in meetings with yourself and the applicant, we support removing the infiltration trenches on both lots and along the access road to minimize clearing since this is FID habitat. We have asked to the applicant to discuss other nonstructural options with the County in regard to treating stormwater.
- 2) A note should be added to the final plan indicating that the remaining areas on each lot outside of the immediate building envelope is placed in a perpetual easement.

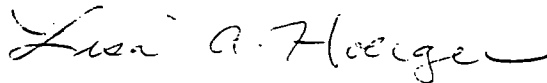
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 322-9047 Fax: (410) 320-5093

Ms. Chalkley
Page Two
June 11, 2000

- 3) The application mentions a mulched path from the house sites to the water. We recommend absolutely no clearing be involved in the riparian access. We have visited this site and believe access paths for each lot can be accommodated without the need to clear. Also, we recommend the paths be no wider than three feet in width.
- 4) Proper sediment and erosion control measures shall also be taken.
- 5) Most important is the FID issue. Since the proposed clearing appears to be within the interior of this forest, the applicant is required to perform mitigation above conserving and protecting the habitat while accommodating new development. We understand the County intends to utilize the Commission's recently updated FID Guidance Document, adopted and approved by the Critical Area Commission at its meeting on June 7, 2000. We have advised the applicant that this will be the mitigation required.

Thank you for the opportunity to comment. If I can provide additional assistance, or if you have questions concerning these comments and recommendations, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA238-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Coxby's Estates, Section III, Reserved Parcel
S 95-030, P 00-126

Dear Ms. Chalkley:

Thank you for awaiting this office's comments for the above-referenced subdivision request. As you know, we have had several meetings with the applicant which resulted in at least two revisions to the plans. The applicant proposes to create two lots in the Resource Conservation Area (RCA) in Forest Interior Dwelling Bird (FID) habitat. In addition to the FID habitat, this parcel has other sensitive features including steep slopes and intermittent streams. Therefore, accommodating two lots is challenging.

Two buildable envelopes were identified on this parcel. The envelope closest to Glebe Creek would require access through steep slopes and stream buffers. In addition, this location would severely impact the interior habitat of the FIDs. The alternative envelope is closer to the existing forest edge, and will require less impacts for access. In light of this alternative I have outlined below our comments and recommendations for the County's consideration of this subdivision request.

- 1) As discussed in meetings with yourself and the applicant, we support removing the infiltration trenches on both lots and along the access road to minimize clearing since this is FID habitat. We have asked to the applicant to discuss other nonstructural options with the County in regard to treating stormwater.
- 2) A note should be added to the final plan indicating that the remaining areas on each lot outside of the immediate building envelope is placed in a perpetual easement.

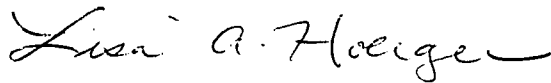
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Ms. Chalkley
Page Two
June 11, 2000

- 3) The application mentions a mulched path from the house sites to the water. We recommend absolutely no clearing be involved in the riparian access. We have visited this site and believe access paths for each lot can be accommodated without the need to clear. Also, we recommend the paths be no wider than three feet in width.
- 4) Proper sediment and erosion control measures shall also be taken.
- 5) Most important is the FID issue. Since the proposed clearing appears to be within the interior of this forest, the applicant is required to perform mitigation above conserving and protecting the habitat while accommodating new development. We understand the County intends to utilize the Commission's recently updated FID Guidance Document, adopted and approved by the Critical Area Commission at its meeting on June 7, 2000. We have advised the applicant that this will be the mitigation required.

Thank you for the opportunity to comment. If I can provide additional assistance, or if you have questions concerning these comments and recommendations, please telephone me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA238-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Mr. Chris Soldano
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Keith McPhail, MS 00-081

Dear Mr. Soldano:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. The applicant proposes to create one additional lot from an existing 1.17 acre lot. Based on the information contained in the Critical Area Report and the site plan provided, it appears the applicant can meet all Critical Area requirements of the Anne Arundel County Critical Area program. I have outlined additional comments below.

- 1) The County should ensure the proposed stormwater management and sediment and erosion control proposed for the construction of the proposed dwelling is adequate.
- 2) A note should be added to the final plat indicating the maximum impervious surface allowed for each lot and any additional. For lots one acre or greater, created after December 1, 1985, total impervious surfaces should not exceed 25%; however, the overall subdivision may not exceed 15%.
- 3) The Critical Area Report does not indicate existing forest acreage. The County must determine whether afforestation is required. Also, mitigation shall be required for the proposed clearing to accommodate a new dwelling on proposed lot 1A.
- 4) We note the letter from the Department of Natural Resources, Heritage and Biodiversity Division that indicates this site is Forest Interior Dwelling Bird (FID) habitat. From the site plan provided, it appears this site is either just outside the canopy of FID habitat, or within the existing edge (300 feet inward from the edge of the tree line). Therefore, we recommend minimizing clearing. Also, mitigation should try to be accommodated on site near the edge of existing forested areas.

Thank you for the opportunity to comment. If I can be of further assistance, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

CC: AA 339-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 11, 2000

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Zoning
2664 Riva Road MS 6303
Annapolis, Maryland 21401

Re: Heron Cove - Resubmittal
S 98-274

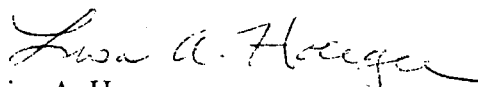
Dear Mr. Wedemeyer:

I have received another sketch plan resubmittal for the above-referenced subdivision request. Based on the accompanying response letter from the applicant's consultant, it appears the comments in my letter to Ms. Lori Allen dated April 14, 2000 have been addressed.

There were two minor errors appearing under "site tabulations" on the cover sheet of the sketch plan. The acreage figure for "open space #1" should be .769 instead of .461. Also, the acreage figure for "impervious area for lots 1-13, & 16-24" should be 1.30 instead of 1.271.

Thank you for the opportunity to comment. If I can provide you with further assistance, please do not hesitate to contact me at (410) 260-3478.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

CC: AA 579-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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July 11, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Gary Curtis
MS 00-080

Dear Ms. Chalkley:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. This office is familiar with the proposal since we commented on the variance requested by the applicant last year. Since we did not believe a Buffer expansion was necessary, and a variance was granted, it appears the applicant can meet the requirements of the County's Critical Area Program.

As previously suggested in a letter to Ms. Charlene Morgan dated January 18, 2000, we recommend those portions of the macadam driveway and shed that are within the 100-foot Buffer be removed, and the 100-foot Buffer reestablished with native species. In fact, the Board of Appeals required these items as a condition of approval. As always, proper sediment and erosion control and stormwater management devices shall be used during and subsequent to construction.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

CC: AA 332-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Zoning
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Four Year Comprehensive Review
County Council Bill #12-00

Dear Ms. Gawel:

At its meeting on July 5, 2000, the Chesapeake Bay Critical Area Commission unanimously approved County Council Bill #12-00 as it amends Bill #104-97 with the condition that the minor error appearing on page one, on line 17 of the Bill in the Preamble be corrected. The County shall incorporate the changes of Bill # 12-00 into its adopted program within 120 days from the date of this notice.

Thank you for your cooperation. The Commission looks forward to working with the County on the update due this year. We will be in touch shortly to begin that process.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Mary Owens, Chief, Program Implementation

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Mr. Donald Sparklin
State Highway Administration
707 N. Calvert Street, 3rd Floor
Planning Division
Baltimore, Maryland 21202

Mr. John Gerner
Federal Highway Administration
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, Virginia 22314

Dear Sirs:

At its meeting on July 5, 2000, the Chesapeake Bay Critical Area Commission approved, with one abstention, the replacement of the Woodrow Wilson Bridge as presented in the staff report and staff presentation. The project was approved based on the following conditions:

1. The Commission staff will be apprised of changes to the aquatic mitigation package, and will be involved in all future site visits or discussions pertaining to the aquatic mitigation package. When the aquatic mitigation package is finalized, it will be brought to the Commission for review and approval. Periodic updating of the Commission's Project Subcommittee shall occur by SHA on a quarterly basis, or as often as the subcommittee deems necessary:
2. The Commission staff will be apprised of progress of the forest mitigation package, and will be involved in all future site visits or discussions pertaining to the forest resource package. Prior to construction, periodic updates shall be brought before the Commission's Project Subcommittee for review. The updates should include information that include efforts made to look on both public and private lands in the Critical Area, and including lands owned by land trusts. Sufficient documentation would include those alternatives examined, and justifications for selecting certain sites over others. Once the forest mitigation package is finalized, it will be brought to the Commission for review and approval.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

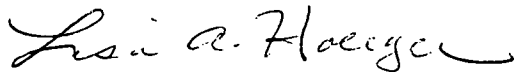
July 10, 200

Page Two

3. The Commission staff will work with SHA to ensure the 10% Pollutant Reduction Requirement is met for this project. Once the 10% calculations are finalized they will be brought before the Commission for review and approval.
4. The mitigation package as proposed in conditions 1, 2, and 3 be brought back on a monthly basis to the Project Subcommittee until all mitigation packages are finalized.

Thank you for your cooperation. If you have any questions, please contact me at (410) 260-3478.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Tom Heil, PCC
Michelle Floam, PCC
Scott Burroughs, PCC
Samuel E. Wynkoop, Jr., Prince George's Co. DER
Sherry Conway Appel, Prince George's Co. DER



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 7, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Scott Quimby
Appeal #1146

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception and variance requests. The applicant proposes to allow a commercial marina in a Village Center (VC); to allow a parking lot, 30' x 40' building, and stormwater retention area in the 100-foot Buffer to Oak Creek; and to permit greater than 15% impervious coverage.

In regard to the request for a special exception to permit a commercial marina in a VC, this office offers no comment. These issues are a local prerogative and this office will not interfere with the County's decisions regarding these requests in a VC.

However, we do have comments and recommendations regarding the variances requested. We acknowledge the County has preliminarily mapped this area of the shoreline as a Buffer Exemption Area (BEA); however, the proposed BEA maps have not been officially adopted by the Talbot County Council or the Chesapeake Bay Critical Area Commission. While this process is currently underway, there is no guarantee that it will be completed within the time frame of this request. In light of these facts, this office recommends that the County not proceed with reviewing this application as if the shoreline is mapped as a BEA. Since the County Council has not approved these maps, there is no guarantee this shoreline will be mapped BEA.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery
Page Two
July 7, 2000

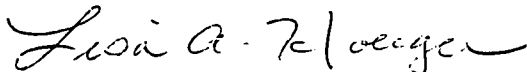
As proposed, this office cannot support the current plan. The 100-foot Buffer must be observed since the site is not officially mapped as a BEA. Given the size of the buildable area, and the parking requirements in the Zoning Ordinance for this use, it appears unlikely the applicant can accommodate a parking area, stormwater retention area and building completely outside the Buffer. Perhaps the parking requirements could be reduced to accommodate these new, non-water dependent uses outside the Buffer. However, that may have a negative affect on the surrounding neighborhood from potential overflow parking.

This office cannot support a variance to allow an increase of total impervious surfaces to 42%. At a minimum any new development activities proposed should not have a net increase in impervious surfaces.

As soon as both staffs perform the required field visits to each proposed BEA site, this portion of the County's comprehensive review may move forward. Once the County Council and the Critical Area Commission have approved the BEA maps and accompanying ordinance language, then the County and this office may begin reviewing projects using the BEA standards.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 7, 2000

Mr. Thomas Hamilton
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Copy of the Model Ordinance

Dear Mr. Hamilton:

Thank you for your patience in awaiting the delivery of a hard copy and diskette containing copies of the Town of Queen Anne's Critical Area Ordinance. Please feel free to begin reviewing this document to see whether the Town of Easton may benefit from placing the Town's Critical Area regulations in a separate ordinance, or incorporating this document into the Town's Zoning Ordinance. This method is being used by several towns on the eastern shore. If you think the model ordinance can be used for Easton, please contact me so we can begin using this ordinance as a basis for the Town's comprehensive review. In any case, the Town should initiate its comprehensive review shortly.

Thank you again for your patience and cooperation with this matter. If you have any questions, or I can provide additional information, please contact me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosures

cc: Mr. Lynn Thomas, Assistant Town Planner
Ms. Mary Owens, Chief, Program Implementation

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 762- Joint Review Process

Dear Mr. Cowee:

I am writing in regard to Bill No. 762, passed by the County Council as a change to the Talbot County Zoning Ordinance. The Commission Chairman John C. North, II has determined this change to be a refinement to the County's Critical Area Program and has approved it with the concurrence of the Commission members. Section 8-1809 (p) (4) of the Critical Area Act require the County to incorporate this change into its Critical Area Program within 120 days of the date of this letter.

Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-3478. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Chesapeake Bay Critical Area Commission

STAFF REPORT July 5, 2000

APPLICANT: Talbot County

PROPOSAL: Refinement - Talbot County Council Bill # 762
Joint Review Process

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809 (p)

DISCUSSION:

The Talbot County Council Bill # 762 establishes procedures for awarding supplemental growth allocation to the municipalities in Talbot County. In 1989, the County provided each municipality with a limited number of growth allocation acres. Since 1989, the Town of Easton has used most of its original allocation. In anticipation of future growth, the Town will request additional acres in the near future. Last year the town requested additional acres but was denied by the County.

Subsequent to that time, the County has established a joint review process that it will conduct with each town when considering allotting additional growth allocation. The new joint review process will include the Planning Commissions, the Talbot County Council, Town Commissions, and any other Commission involved at the local level.

Bill No. 762 is consistent with COMAR 27.01.02.06 A (2) which states:

When planning future expansion of intensely developed and limited development areas, counties, in coordination with affected municipalities, shall establish a process to accommodate the growth needs of the municipalities.

Chairman North requests your concurrence that Bill # 762 is a refinement to Talbot County's Critical Area Program since it is consistent with the Criteria.

1 A BILL TO ESTABLISH PROCEDURES FOR AWARDED SUPPLEMENTAL
2 GROWTH ALLOCATION TO MUNICIPALITIES IN TALBOT COUNTY,
3 MARYLAND.
4
5

6 SECTION ONE: BE IT ENACTED, by the County Council of Talbot County, that
7 Title 19-14 (c) (iv) (c) [i] be repealed and re-enacted to establish procedures for awarding
8 supplemental growth allocation to municipalities in Talbot County, Maryland, as follows:
9
10

11 [i] Not more than 1,213 acres of the Critical Areas of the County, including
12 all land lying within the Critical Area within incorporated towns, shall be reclassified
13 from the Rural Conservation (RC) District (or town zoning districts established for the
14 Resource Conservation Area of the Critical Area) to any other zoning district. Of these
15 1,213 acres, 155 acres is reserved for the Town of Easton, 195 acres is reserved for the
16 Town of Oxford, 245 acres is reserved for the Town of St. Michaels for growth allocation
17 associated with annexations, and 618 acres is reserved for the County.
18

19 When 1,092 acres (ninety [90] percent of 1,213 acres) has been approved for growth
20 allocation by the Towns and/or the County, then the County shall request permission
21 from the Maryland Critical Area Commission to double the maximum number of acres
22 that may be reclassified from the Rural Conservation District (or comparable town
23 districts) from 1,213 to 2,426 acres. Upon Critical Area Commission approval, the
24 County shall reserve acreage for each town.
25

26 If the commission approves the doubling of the number of acres that may be rezoned
27 under this Section, the County will have its full allocation of 2,554 acres for growth as
28 specified in the County's Critical Area Plan, that is 1,213 acres (original limit) + 1,213
29 acres (potential additional limit) + 128 acres (amount reserved in Section [j] below =
30 2,554 acres). The Maryland Critical Area law does not allow for the full 2,426 acre
31 allocation (1,213 + 1,213) at the time of the establishment of this Section (August 13,
32 1989).
33

34 Upon request for supplemental growth allocation by any municipal corporation within the
35 County, the County Council may transfer growth allocation to the municipal corporation
36 and may impose such conditions, restrictions, and limitations upon the use of any such
37 supplemental growth allocation, if any, as the Council may consider appropriate. All such
38 requests shall comply with the following requirements.
39

40 [1] Application Process. The applicant shall file their application with the
41 municipality. In addition to complying with all municipal requirements, the applicant
42 shall also provide the information required by § 19.14 (c) (iv) [b] of the Talbot County
43 Zoning Ordinance, as amended, and shall also comply with the design standards set forth
44 in § 19.14 (c) (iv) [b] [1] through [9], of the Talbot County Zoning Ordinance, as
45 amended. The municipality shall forward the application to the County Council for
46 consideration and review within five (5) working days.
47

48 [2] Staff and Planning Commission Review. The planning staff and the
49 Planning Commission shall review the application in accordance with the procedures set
50 forth in § 19.14 (c) (iv) (c) [1] through [4], except that municipal and county staff reports
51 shall be forwarded to the Planning Commissions of both jurisdictions and the planning
52 staff shall schedule a joint hearing on the application before the Planning Commissions of
53 both jurisdictions. The designated chairperson of each Planning Commission shall co-
54 chair the hearing. Each Planning Commission shall vote separately and make its
55 recommendations to its respective council or commission. Each Planning Commission
56 shall provide a copy of its recommendations to the other jurisdiction.
57

58 [3] Council Review. The county and municipal councils or commissions
59 shall hold a joint hearing on the application, co-chaired by the designated chairperson of
60 each council or commission which may be coordinated jointly with the Critical Area
61 Commission. The county and municipal councils or commissions shall make their

1 respective decisions separately as independent entities. The County Council shall
2 evaluate the application in accordance with § 19.14 (c) (iv) [d].
3

4 [4] Amendments to Approved Projects. Any amendment to an approved
5 project shall be subject to County Council review and approval for a period of five (5)
6 years following the date of initial approval.
7
8
9

10
11 BE IT FURTHER ENACTED, that this Ordinance shall become effective sixty (60) days
12 following its enactment.
13

14
15
16
17
18
19 PUBLIC HEARING

20
21 Having been posted and Notice of time and place of hearing and Title of Bill No.
22 762 having been published, a public hearing was held on Tues. April 18, 2000
23
24
25
26
27
28
29

30
31 BY THE COUNCIL
32
33

34 Read the third time.
35

36 ENACTED April 25, 2000 *
37 *AS AMENDED*
38

39 By Order *Juriza Morris*
40 Secretary
41

42
43
44
45 Spence - aye
46 Dyott - aye
47 Foster - aye
48 Higgins - aye
49 Harrison - aye
50

Chesapeake Bay Critical Area Commission

STAFF REPORT

July 5, 2000

APPLICANT: Anne Arundel County

PROPOSAL: Amendment - Four Year Comprehensive Review
County Council Bill # 12-00 (Revision of Bill # 104-97)

COMMISSION ACTION: Vote

PANEL RECOMMENDATION: Pending Public Hearing

STAFF RECOMMENDATION: Approval

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809 (g)

DISCUSSION:

Anne Arundel County submitted County Council Bill # 12-00 as its four year comprehensive review. Bill # 12-00 amends the variance language and the civil fines and procedures, provides for impervious surface fees, adjusts clearing fees for residential lots less than one half acre, increases the violation fees, provides an RCA use list, and amends one section of the Program document. In addition, the County has provided the Commission staff with an updated set of 1000' scale maps depicting the 1000' Critical Area boundary and the three Critical Area designations.

Attached are County Council Bills # 104-97 and # 12-00 which include all the proposed changes to the County's ordinances and program document at this time. In 1997, the County Council passed Bill # 104-97 which was an earlier version of their comprehensive review. While the Commission did not act on this bill, it was still incorporated into the County's ordinances. The County has informed us that they have not been implementing the changes resulting from Bill # 104-97. Bill # 12-00 was written as an amendment to # 104-97. Bill # 12-00 includes issues in response to the meetings that staff and the panel have conducted with the County staff since the first bill (#104-97). Therefore, both bills are attached for your review.

This comprehensive review was due in 1996. Consequently, the next comprehensive review is due this year. County staff have indicated they will begin that process immediately.

The panel will conduct a public hearing on Thursday, June 29 where County staff will present the proposed changes. I have outlined those changes that will occur to Anne Arundel County's Critical Area Program as a result of Bills # 104-97 and # 12-00.

- 1) In Article 3, Title 2. Zoning Appeals, the County proposed an amendment to the variance language. The change clearly defines what is meant by "unique physical conditions". Many times applicants justify meeting this standard based on conditions of the applicant rather than the land. This language makes clear what constitutes an unwarranted hardship. This language is also amended in 11-102.1. Standards for granting variance.
- 2) The civil fines for violations of Article 21 and Article 28 were increased by the County to deter future violations. The previous fine for the first violation in the Buffer was \$50 and \$100 for the second violation. The county changed it to \$500 and \$1,000 respectively. Also, the County added language to establish how civil violations will be handled administratively.
- 3) Section 2-602. Violation --Without Permit was added by the County to provide the enforcement personnel with the ability to take corrective actions against the permittee, or if the violation was not the action of the permittee, to take corrective actions against the responsible party. The County has experienced numerous violations in the past that were not the actions of the property owner, but could not pursue actions against the responsible party. This language provides the County that ability.
- 4) The civil fines for Article 21, Title 2 Grading and Sediment Control were also increased and a provision was added to allow the County to hold liable anyone that commits a violation in the Buffer or expanded Buffer. These persons include the property owner, any person, contractor, employee, agent, or subcontractor.
- 5) In Article 28, Title 1A, the County included a list of uses that are permitted without growth allocation in the Resource Conservation Area (RCA). This list was provided at the Commission's request due to some inconsistencies that exist on some parcels or lots where the underlying zoning is inconsistent with the RCA designation. The Commission panel, staff and County staff carefully reviewed each proposed use and have agreed on those which appear in Bill # 12-00. In some instances, a particular use is limited by 20,000 square feet or 15% of the site.
- 6) Title 1A-105, Impervious surfaces; steep slopes; certain restricted uses. The County adopts the impervious surfaces limitations set out in the Critical Area Act and includes the fee-in-lieu.
- 7) Section 17-103. Civil citations and procedures. The County is amending the fines and procedures by which civil violations will be pursued.
- 8) The County's Critical Area Program document is proposed to be amended on page 17 where it refers to growth allocations. The words "shall" are being replaced with "should" in regard to adjacency, minimizing impacts, and 300-foot buffers. This change brings the County Program into consistency with the Critical Area Criteria. The original language in the County Program was stricter than required regarding the location of growth allocation.

- 9) In Article 21, 26 and 28, the County proposes amending definitions to the following terms: contiguous sensitive areas, habitat protection areas, nontidal wetlands and tributary streams.
- 10) In Title 3. Stormwater Management the County is correcting inconsistencies with the Critical Area Criteria to make them conform. The inconsistencies relate to the 10% Pollutant Reduction Requirement and how stormwater is treated for Limited Development Areas (LDA) and Resource Conservation Areas (RCA).
- 11) In Section 3-303 of the Stormwater Article, the County is providing for waivers to stormwater quality in LDAs and RCAs.
- 12) In Section 1A-105, the County is allowing legal, residential lots that are one-half acre or less to clear up to 6,534 square feet (30% of one-half acre). This provision was added so that small lot owners would not be assessed the fee associated with clearing above 20%. The provision still meets the goal of no net loss of forest.
- 13) The language in Bill # 104-97 pertaining to modification of existing dwellings to accommodate the physically challenged was stricken and is not included in Bill # 12-00.

These changes constitute Anne Arundel County's Comprehensive Review. Staff are recommending approval. The panel recommendation is pending the public hearing.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 30, 2000

Ms. Gail Owings
Kent County Planning Office
Courthouse
Chestertown, Maryland 20620

Re: Fairgale, #00-69

Dear Ms. Owings:

Thank you for forwarding the above-referenced subdivision request to this office for review. I have outlined my comments below.

- 1) The applicant proposes to create Lots 34 and 35 in the RCA. The proposed lots are consistent with the 1:20 acre density in the RCA.
- 2) When two lots were created from this parcel in 1998, there was information at that time that certain portions of the parcel may support FID habitat. It is not clear where the existing forested portions are located on this parcel. If forest areas exist on the proposed lots, we recommend that future lot owners be required to avoid existing forested areas.
- 3) It appears proposed Lot 34 may be a waterfront parcel. If so, the 100-foot Buffer shall be reestablished in native Buffer mitigation since the land is converting from an agricultural use to another use.
- 4) Both lots should be configured so that no variances will be required for their future development. Since these are new lots, they should meet all County Code requirements, including the County's Critical Area provisions.

Thank you for the opportunity to comment. Please telephone me at (410) 260-3478 if you have any questions or require additional assistance.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: KC 334-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 30, 2000

Ms. Gail Owings
Kent County Planning Office
Courthouse
Chestertown, Maryland 20620

Re: Patricia and John Kostick

Dear Ms. Owings:

Thank you for forwarding the above-referenced variance request to this office for review and comment. The applicants propose to rebuild a dwelling in the 100-foot Buffer to the Chester River. From the information provided to this office, it appears the new dwelling will be on the same footprint as the existing dwelling. While the lot is of sufficient depth to site the proposed dwelling outside the Buffer, existing features of the site may preclude that option; therefore, this office does not oppose the requested variance. We recommend that mitigation in the form of native Buffer plantings be provided at a 3:1 ratio for any new disturbance to the Buffer as a result of construction.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: KC 335-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
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June 20, 2000

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Dear Ms. Gawel:

This office has received County Council Bills #104-97 and # 12-00 which constitutes the four year comprehensive review. It is our understanding that Bill #104-97 was amended with Bill #12-00. In order for the current Bill to be implemented properly, it is necessary for the Commission to approve Bill #104-97 which will then immediately be amended with Bill #12-00. These Bills have been accepted as a complete submittal and will be handled as a program amendment to the County's Critical Area Program. In accordance with §8-1809 of the Annotated Code of Maryland, information regarding the acreage within each land classification and the growth allocation used and remaining will need to be submitted. Please provide this information as soon as possible.

A panel of the Critical Area Commission will hold a public hearing on Thursday, June 29, 2000 at the Heritage Office Complex at 2662 Riva Road from 6 - 9 p.m. County staff are expected to give a presentation to the Commission panel summarizing the changes included in the Bills.

The Critical Area Commission has placed this item on the agenda for its July 5, 2000 meeting. Please telephone me if you have any questions or matters that require staff attention prior to the public hearing.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

CHESAPEAKE BAY CRITICAL AREA COMMISSION
45 Calvert Street, 2nd Floor
Annapolis, Maryland 21401

DATE: June 20, 2000

TO: Panel Members for the Anne Arundel County Comprehensive Review (Larry Duket, Chair, James Foor, Bob Goodman, Dave Bourdon, Barbara Samorajczyk)

FROM: Lisa Hoerger

SUBJ: Anne Arundel County Comprehensive Review

We have advertised the public hearing for the Anne Arundel County Comprehensive Review. It is scheduled for Thursday, June 29, 2000 at 6:00 p.m. on the first floor of the Heritage Center Office Complex located at 2662 Riva Road, Annapolis, Maryland 21401. If you need directions, give me a call at (410) 260-3478.

Attached is County Council Bill # 104-97 and # 12-00 which includes all the proposed changes to the County's ordinances and program document at this time. In 1997, the County Council passed Bill # 104-97 which was an earlier version of their comprehensive review. While the Commission did not act on this bill, it was still incorporated into the County's ordinances; however, Bill # 12-00 was written as amendment to # 104-97. The County has informed us that they have not been implementing the changes resulting from Bill # 104-97. Bill # 12-00 also includes other issues in response to the meetings that staff and yourselves have conducted with the County staff since the first bill (#104-97). Therefore, both bills are attached for your review.

Bill # 12-00 addresses issues which we have discussed with you in previous meetings. Most notable is the proposed RCA uses list. Other changes include changes to the variance language, changes to the civil fines and procedures, providing for impervious surface fees, adjusting clearing fees for residential lots less than one half acre, increasing the violation fees, and amending one section of the Program document.

This comprehensive review was due in 1996. Consequently, the next comprehensive review is due this year. County staff have indicated to me they will begin that process immediately. We have a few issues we intend to clear up with the County during the 2000 comprehensive review.

Again, if you have any questions, please call me at (410) 260-3478.

Attachments



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 20, 2000

Mr. Larry Coffman, Director
Programs and Planning Division
Department of Environmental Resources
9400 Peppercorn, Place, Suite 610
Largo, Maryland 20774

Dear Mr. Coffman:

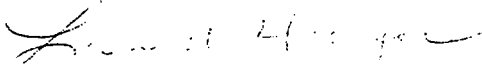
As a follow-up to our last meeting, I have enclosed a copy of the model Critical Area ordinance. This document may help expedite the four year comprehensive review. Of course, the County may choose to rewrite its own program, however this document is available for your use and can be easily amended to suit the needs of Prince George's County. Since the fourth comprehensive review is due in 2000, the staff of the Critical Area Commission would like to work with the County to begin reviewing the County's Critical Area Program.

As we discussed, Commission staff are available to assist in the review process, however we need those documents which address Critical Area requirements. We can accept these documents in any form (i.e. disc, hard copy). I have enclosed a list of those documents that we have in our office. Consequently, I have had difficulty understanding the order of these documents, particularly how the components of the zoning and subdivision ordinances are integrated. Also, it appears we do not have a full copy of either ordinance. If any other documents exist that contain Critical Area components, we are requesting that the County forward us one copy of those documents to ensure a thorough review.

Once we receive these documents, I will begin a review of the County's Critical Area Program and will provide County staff with comments and recommendations. In the meantime, the County may wish to begin its internal review.

If I can provide further assistance to you or your staff with this process, please telephone me at (410) 260-7032.

Sincerely,


Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Sherry Conway Appel Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Prince George's County Documents at CBCAC Office

Proposed Chesapeake Bay Critical Area Plan and Policy Overview, May 21, 1987

Conservation Manual, 1989

Chesapeake Bay Critical Area Overlay Zones, Zoning Map Amendment, September 1988

Certain sections of the Zoning Ordinance:

DIVISION 3. ZONES AND ZONING MAPS

Section 27-107.01. Definitions

Section 27-109. Classes of zones

Section 27-195. Map Amendment Approval

Section 27-199. Applications

Section 27-213.07. Applicability

Section 27-213.08. General procedures

Section 27-213.09. Authority to change underlying zones

Section 27-213.10. Specific Planning Board procedures

Section 27-213.11. Specific District Council procedures

Section 27-213.12. Amendment of approved Chesapeake Bay Critical Area Overlay Zones

Section 27-213.13. Map amendment approval

Section 27-223. Limitations on zoning

DIVISION 5. APPEALS AND VARIANCES

Subdivision 1. Board of Zoning Appeals

Section 27-229. Powers and duties

Section 27-230. Criteria for granting appeals involving variances

Subdivision 5. Variances in Conjunction with Other Approvals.

Section 27-239.03. District Council authority

Section 27-239.04. Procedures

Section 27-241. Continuation

Section 27-242. Alteration, extension, or enlargement

PART 4. SPECIAL EXCEPTIONS

DIVISION 1. ADMINISTRATIVE PROCEDURES.

Subdivision 1. Applications.

Section 27-296. Application form and contents

Prince George's County Documents at CBCAC Office cont.

Section 27-325. Minor changes

Section 27-337.01. Asphalt mixing plant

Section 27-343.01. Community piers and noncommercial boat docking and storage

Section 27-405. Sand and gravel wet-processing

Section 27-410. Surface mining

DIVISION 3. USES PERMITTED

Section 27-441. Uses permitted

Section 27-445.02. Surface mining; sand and gravel wet-processing

DIVISION 3. USES PERMITTED.

Section 27-461. Uses permitted

Section 27-464.01. Surface mining; sand and gravel wet-processing

Section 27-475.01. Surface mining; sand and gravel wet-processing

DIVISION 5. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

Section 27-532.01. Surface mining; sand and gravel wet-processing

Section 27-541.01. Surface mining; sand and gravel wet-processing

DIVISION 3. USES PERMITTED.

Section 27-547. Uses permitted

DIVISION 6. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES.

Section 27-548.01. Surface mining; sand and gravel wet-processing (nonconforming uses)

DIVISION 2. CHESAPEAKE BAY CRITICAL AREA OVERLAY ZONES.

Subdivision 1. General

Section 27-548.10. Introduction

Section 27-548.11. Conservation Plan, Conservation Agreement, required.

Section 27-548.12. Uses

Prince George's County Documents at CBCAC Office cont.

Subdivision 2. Specific Chesapeake Bay Critical Area Overlay Zones.

Section 27-548.13. I-D-O (Intense Development Overlay) Zone

Section 27-548.14. L-D-O (Limited Development Overlay) Zone

Section 27-548.15. R-C-O (Resource Conservation Overlay) Zone

Subdivision 3. Uses Permitted.

Section 27-548.16. Uses Permitted

Subdivision 4. Regulations.

Section 27-548.17. Regulations

Section 27-371.01. Marinas and marina expansions

Section 27-343.02. Concrete batching or mixing plant

The following County Council Bills:

CB-52-1984

CB-52-1984

CB-63-1989

CB-72-1987

CB-73-1987

CB-74-1987

CB-95-1988

CB-34-1989

CB-57-1989

CB-62-1989

CB-63-1989

CB-8-1991

CB-101-1991

CB-86-1992

CB-102-1992

CB-103-1992

CB-104-1992

CB-105-1992

CB-7-1993



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 12, 2000

Robert F. Karge, Town Clerk
Town of Easton
P.O. Box 520
Easton, Maryland 21601

Re: Resolution No. 5682
Annexation of Ratcliffe Manor Lane

Dear Mr. Karge:

On June 7, 2000, the Chesapeake Bay Critical Area Commission concurred with Chairman North's determination that Resolution No. 5682, the annexation of Ratcliffe Manor Lane, can be approved as a refinement to the Town's Critical Area Program. This refinement should be incorporated in to your Critical Area Program and a revised map of the Town should be forwarded to the Commission within 120 days from the date of this letter.

If you have any questions, please call me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Tom Hamilton
Mr. Lynn Thomas
Mr. Dan Cowee

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 12, 2000

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Morgan Property
S 00-067, P 00-119

Dear Mr. Wedemeyer:

Thank you for forwarding the above-referenced lot line revision to this office for review and comment. It appears the proposed transfer of .84 acres should not impact either lot owners' ability to meet the County's Critical Area Program requirements. Therefore, this office has no comment regarding the proposed lot line adjustment.

Thank you for the opportunity to comment. Please feel free to telephone me if you have any questions at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 300-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 9, 2000

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Dutchship Pointe
S 99-093, P 99-165

Dear Mr. Wedemeyer:

Thank you for forwarding the resubmittal of the final development plans for Dutchship Pointe. I have outlined our comments below based on the revisions made to the plat.

- 1) In the response letter to Lori Allen dated 5/9/00, a letter from the Maryland Department of the Environment is mentioned concerning rare and threatened species. The County and the applicant should contact the Department of Natural Resources, Heritage and Biodiversity Division to ensure that any rare, threatened or endangered species that use the property as habitat are adequately protected and conserved.
- 2) The Stormwater Management Statement says that lots 2,3, and the 40' right-of-way will provide stormwater management with private, on-site infiltration systems. How will lot 4 handle stormwater? Lot 4 should also be included in the plat note, including the proposed method of stormwater management for it.
- 3) The impervious surface limitations and forest clearing information was added to the plat. The County should ensure these figures are accurate. Also, this table indicates a lot 5. I think this is really lot 4.
- 4) Plat 3 of 5 indicates a nontidal wetlands area "A" on Lot 1, however, the wetlands are not shown. There is an area "A" on the driveway. This should be corrected to accurately reflect the field conditions.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-3478.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 433-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 9, 2000

Mr. Raymond Palfrey, Planner Coordinator
The Maryland-National Capital Park and Planning Commission
Prince George's County, Dept. Of Parks and Recreation
Planning, Design & Research Div., Design & Engineering Section
6600 Kenilworth Avenue
Riverdale, Maryland 20737

Re: Cedarhaven at Patuxent River Park
Parking Lot and Turnaround

Dear Mr. Palfrey:

At its meeting on June 7, 2000, the Chesapeake Bay Critical Area Commission voted unanimously to approve the proposed parking lot and turnaround project at Cedarhaven at Patuxent River Park. I have enclosed a Plantings Agreement to be completed and returned to this office. This agreement will serve as a schedule for follow-up site visits to assure the required mitigation has occurred. If you have any questions about this form, please do not hesitate to contact me at (410) 260-3478.

Thank you for your cooperation and assistance with this project. I look forward to working with you and Mr. Colvin on future projects.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Chris Colvin, MNCPPC

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Chesapeake Bay Critical Area Commission
STAFF REPORT
June 2, 2000

APPLICANT: Town of Easton

PROPOSAL: Refinement - Annexation of Ratcliffe Manor Lane

COMMISSION ACTION: Concurrence

STAFF RECOMMENDATION: Concur with Chairman's Determination

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article §8-1809(p)

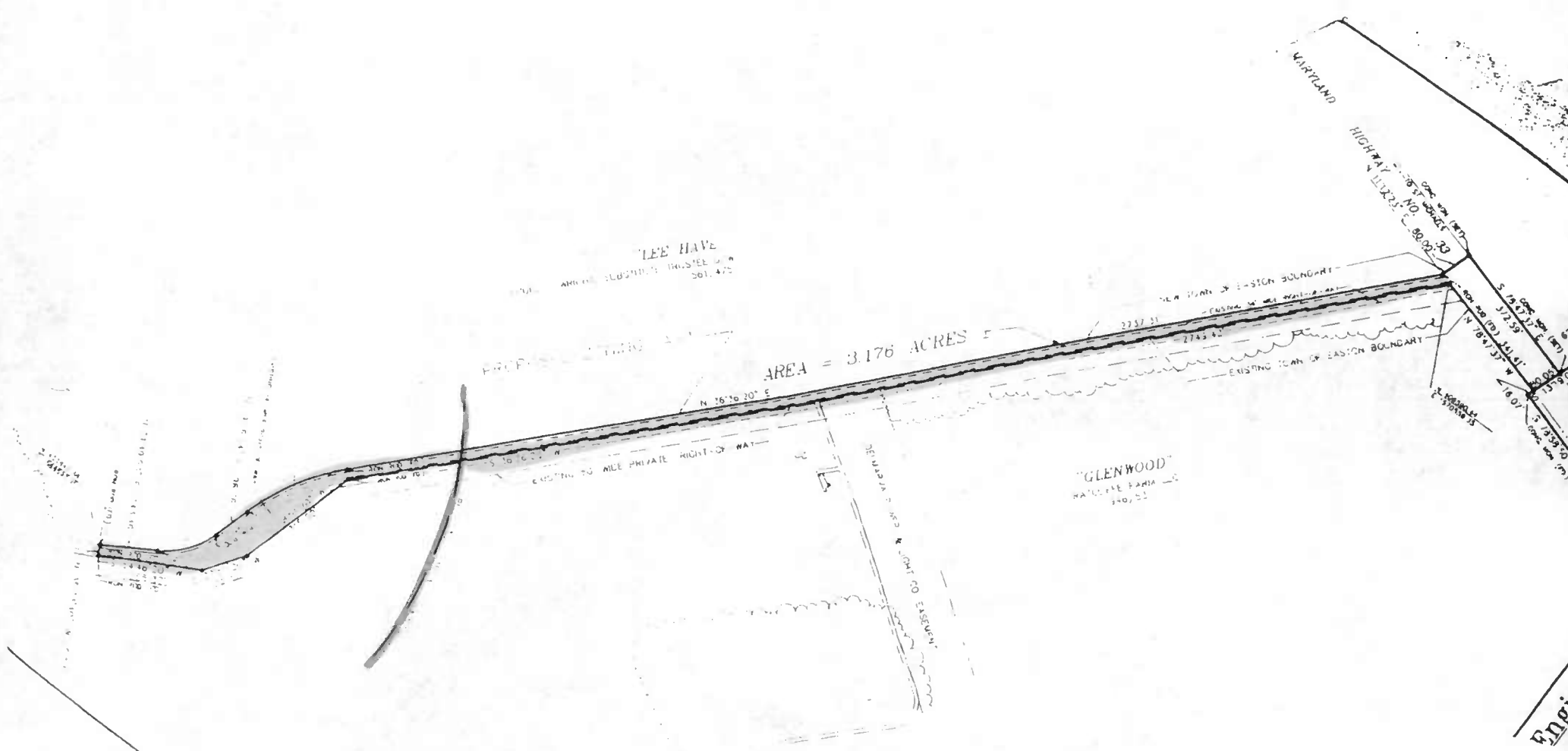
DISCUSSION:

The Town of Easton has annexed 3.176 acres of land. There are 1.053 acres in the Critical Area. The land is contiguous to the existing boundaries of the Town of Easton, generally located on the west side of Easton, south of Maryland Route 33. The property has a Critical Area designation of Resource Conservation Area (RCA). Upon annexation, the zoning will be A-1 (agricultural).

The Glenwood Farm/Ratcliffe Manor Properties were annexed into the town last year. The Ratcliffe Manor lane was not annexed. This annexation request will correct this issue and also a concern expressed by the Police Department that the lane be within one jurisdiction's boundaries

The parcel is identified in the Town of Easton's 1998 Comprehensive Plan as a growth area. The annexation, Resolution No.5682, became effective on April 30, 2000 following a public hearing and approval by the Town Council. There was no opposition to the proposal.

Chairman North seeks your concurrence with his determination that this annexation request is a refinement to the Town of Easton's Critical Area Program.



Engin

Chesapeake Bay Critical Area Commission

STAFF REPORT

June 7, 2000

APPLICANT: Maryland National Capital Park and Planning Commission

PROPOSAL: Cedarhaven Park - Parking Lot and Turnaround

JURISDICTION: Prince George's County

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Pending

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Code of Maryland Regulations 27.02.05- State Agency
Actions Resulting in development on State-Owned Lands

DISCUSSION:

The Maryland National Capital Park and Planning Commission (MNCPPC) proposes to reconfigure an existing turnaround and to construct a 20-car parking lot at Cedarhaven Park in Prince George's County. Cedarhaven Park is approximately 60 acres and is situated in southern Prince George's County along the western shore of the Patuxent River. The parks supports passive recreation uses.

The proposed 20-car parking lot will have one exit and one entrance. The surface will be gravel. A five-foot wide bluestone dust pathway will be constructed linking the new parking lot to the vehicle turn-around. The site currently supports a turnaround and informal parking area in the Buffer. This area consists of compacted gravel. The turnaround will be shortened to only allow for turning and dropping off of boats or equipment. The remaining area in the Buffer will be restored with topsoil and vegetative cover.

The applicant expects to receive approval for the stormwater management concept plan and sediment and erosion control plan prior to the June 7 meeting. The proposal includes a bioretention area to treat the stormwater from the proposed parking lot. A 20-foot wide grass filter strip is proposed along the entire length of the downstream edge of the parking lot. The soil composition is CmA which is Collington fine sandy loam and is appropriate for bioretention.

The Maryland Department of Natural Resources, Heritage and Biodiversity Division have determined no rare, threatened or endangered species use this site for habitat. However, the site may support Forest Interior Dwelling Bird (FID) habitat. Based on the site plan, the applicant proposes to limit clearing to 5.6 acres. The area proposed to be cleared is within the existing forest "edge" (within 300 feet of the existing edge of the forest). Since total clearing is less than 20% of the forested area of the parcel, mitigation is required at a 1:1 ratio. The applicant proposes to mitigate 5.6 acres of forest on the northern edge of parcel, adjacent to existing mature forest. Coordination with the Wildlife and Heritage Division is on-going to assure FID habitat is conserved and protected.

The Maryland Historical Trust sent a letter indicating the area proposed for disturbance will not impact any significant historical areas.

An updated staff report with a staff recommendation will be provided at the meeting. Please contact Lisa Hoerger at (410) 260-3478 if you have any concerns or questions prior to the meeting.

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 2, 2000

Mr. Doug Sievers
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279

Re: Piscataway Park, National Colonial Farm
Education Building, Administration Building, Parking Lot

Dear Mr. Sievers:

Thank you for forwarding the above-referenced project to this office for review and comment. Since all projects on federal lands are expected to be consistent with State laws, this office will provide comments and assistance to assure this project meets the spirit and intent of the Critical Area Law and Criteria. I have outlined my comments and observations below.

- 1) The report identifies several plant species that are either on the threatened or endangered list. Coordination with the Department of Natural Resources, Heritage and Biodiversity Division may be necessary in order to ensure these plant species and their habitats are protected.
- 2) The site may be too small to support Forest Interior Dwelling Birds (FID) unless the forested areas on this parcel and contiguous to larger tracts of forested land on adjacent parcels. In any case, it appears the proposed clearing will occur along isolated strips or at the forest edge which minimizes disturbance. If those structures proposed in forested areas can be located in open fields, it is preferred in order to further minimize disturbance to FID habitat.
- 3) New development activities are prohibited in the 100-foot Buffer to tidal waters, tidal wetlands and tributary streams. A 25-foot buffer is required around nontidal wetlands. If disturbance is proposed within nontidal wetlands, you should contact the Maryland Department of the Environment, Nontidal Wetlands Division at (410) 414-3400.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

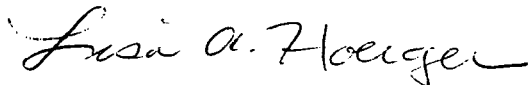


Mr. Sievers
Page Two
June 2, 2000

- 4) Since total clearing is below 20%, reforestation on a 1:1 ratio is required. We recommend native species be replanted to address the reforestation requirement. Also, the plantings should occur adjacent to existing forested areas or where a wildlife corridor might be established or maintained.
- 5) Total impervious surfaces are limited to 15% of the site. It is not clear what the total impervious surface figures will be after development. The existing visitor center, parking area, and roadway must be included in final calculations.
- 6) It appears stormwater management will be handled with bioretention and a detention basin at the site of the proposed administration building. What is proposed to treat stormwater for the educational building?

Thank you for the opportunity to comment. Please telephone me if you have any questions concerning these comments, or if I can provide further assistance.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Lori Byrne, DNR - Wildlife and Heritage Division
Sherry Conway Appel - Prince George's County

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

H. Grant Dehart, Director
Program Open Space, E-4
Department of Natural Resources
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #3750-14-46
Blue Heron Park, Town of Rock Hall, Kent County

Dear Mr. Dehart:

Thank you for forwarding the above-referenced project to this office for review and comment. While the project does not conflict with this agency's plans or objectives, we would like to offer these comments for consideration.

- 1) It appears the proposed observation pier will be over tidal wetlands which will require a permit from the Maryland Department of the Environment. The Critical Area Criteria support public access to the Bay and its tributaries; however, the pier should not impact any Habitat Protection Areas (HPAs) in this wetland. These HPAs include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.
- 2) Any disturbance to the 100-foot Buffer for construction or permanent access shall be mitigated for at a 2:1 ratio with native species.
- 3) The application does not state whether a structure is proposed, however, the Critical Area Law at Natural Resources Article §8-180 8.4 prohibits structures on piers in the Critical Area.

Thank you for the opportunity to comment. Please contact me if you have any questions or require additional information. The Commission's new telephone number is (410) 260-3460.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: RH Clearinghouse File
Gail Webb Owings, Kent Co.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: William Smith
Appeal # 1148

Dear Ms. Verdery:

Thank you for forwarding the above referenced appeal for our review. The applicant requests a special exception to construct a 350' x 6' timber pier which includes a 10' x 20' "L" head, one boat lift, seven mooring piles, and a 10' finger pier that will encroach 350' into San Domingo Creek. This office offers no comment regarding the special exception request. We have no objection to the request provided the pier will not impact any Habitat Protection Areas (HPAs) in San Domingo Creek. Finally, any disturbance to the 100-foot Buffer for construction or permanent access shall be mitigated for at a 2:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record before the Board of Appeals.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 269-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

David A. Decker
Land and Water Conservation Service, E-4
Department of Natural Resources
580 Taylor Avenue
Annapolis, Maryland 21401

Re: Repave Road, Dundee Fishing Area
Gunpowder Falls State Park, Baltimore County

Dear Mr. Decker:

Thank you for forwarding the plans for the proposed repaving project at Gunpowder Falls State Park. I have reviewed the information and it appears this project will not require full Commission approval since the repaving will not require any clearing or additional impervious surface or disturbances. If the plans change, please forward them to this office since these types of projects require review on a case-by-case basis.

Thank you again for your cooperation. As with any project in the Chesapeake Bay Critical Area, all projects must be forwarded to this office for review. Please telephone me if I can provide further assistance or if you have any questions at (410) 260-3478.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: DNR file

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 30, 2000

Federal Highway Administration
Attn: John Gerner
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, Virginia 22314

Re: Woodrow Wilson Bridge Project
Final Supplemental Environmental Impact Statement/Section 4(f) Evaluation (FSEIS)

Dear Mr. Gerner:

Thank you for forwarding the Final Supplemental Environmental Impact Statement to this office for review and comment. As you are aware, this office has been part of the Interagency Coordination Group (ICG) and is aware of the proposed construction and mitigation package associated with the Woodrow Wilson Bridge Project. The State of Maryland's Chesapeake Bay Critical Area Commission will review this project for the following information:

- Impacts to Habitat Protection Areas (HPAs)
- Mitigation proposed for impacts to HPAs
- Reforestation
- Stormwater Management

Those environmental impacts associated with this project in the Chesapeake Bay Critical Area will be reviewed by the Commission staff and the Project Subcommittee of the Chesapeake Bay Critical Area Commission, and approved by the full Commission. It is not uncommon, and is certain, that this project will require several conditions as part of its approval by the Commission. It may be necessary to appear before the Commission in subsequent years to report of the progress of this project given the complexity and range of issues presented by the project.

This office has provided guidance and assistance to the Potomac River Crossing Consultants for the Draft Environmental Impact Statement. The two main changes that have occurred since the circulation of the Draft Environmental Impact Statement that are of interest to this office include the information from the U.S. Fish and Wildlife Service regarding the Bald Eagle habitat, the changes to the aquatic mitigation package, and the reforestation plan.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Gerner
Page Two
May 30, 2000

Bald Eagle Habitat

We understand the northern side of Rosalie Island outside of the State Highway Administration's right-of-way is off limits to new disturbance. As a result, the proposed trail system and deck-over are being redesigned. We will provide comments regarding this aspect of the project when a plan is submitted. These details will not affect the approval of the bridge construction.

All limitations established by the U.S. Fish and Wildlife Service and the Maryland Department of Natural Resources, Wildlife and Heritage Division are the limitations the Commission will expect to see instituted as part of project approval.

Aquatic Mitigation Package

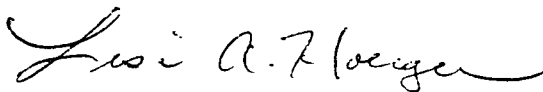
The aquatic mitigation package now includes plans to utilize the Anacostia River East Site as a substantial component of the tidal mitigation. This office supports this concept since it will accomplish two objectives. First, it provides mitigation within the jurisdiction that is losing aquatic resources as a result of bridge construction, and second, this area will benefit by enhancement since much of the site currently supports phragmites. We have provided comments regarding the other components of the aquatic resource mitigation package in previous correspondence and those comments remain unchanged.

Reforestation Plan

This office continues to coordinate with the consultants to devise a mitigation package that will meet the requirements of the Code of Maryland Regulations. The mitigation ratios described in the FSEIS are correct and will be applied to this project. We will continue to assist with locating acceptable mitigation sites in order to satisfy the reforestation requirement for this project. We will continue to follow-up on a yearly basis until all reforestation is completed to ensure it is accomplished.

Thank you for the opportunity to comment. Please include this letter as part of the official public comment.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner



John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 30, 2000

Mr. Daniel R. Cowee
Planning Officer
Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 762
Procedures for Awarding Supplemental Growth Allocation

Dear Mr. Cowee:

Thank you for forwarding County Council Bill 762 for review. I will recommend to Chairman North that this be reviewed as a refinement, since it appears to be consistent with the Critical Area Criteria. If the Chairman agrees, the Critical Area Commission will act upon this refinement at its July meeting. I will notify you of the final decision.

Thank you for assistance in this matter. Please telephone me if you have questions or comments regarding this process.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 25, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: William Coston
Special Exception #1142

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a 75' x 6' pier that will encroach into the required setbacks. This office has no comment regarding the setback issue. We have no objection to the requested pier provided the pier will not impact any Habitat Protection Areas (HPAs) in Tarr Creek. An HPA would include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 262-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

May 18, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Lee Holt
Special Exception #1141

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to construct a pier and locate four additional mooring piles that will extend 215 feet into Broad Creek. This office has no objection to this request provided the pier extension and piles will not impact any Habitat Protection Areas (HPAs) in Broad Creek. An HPA would include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 215-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 18, 2000

Ms. Tracey L. Greene
Regional Planner/Circuit Rider
Lower Eastern Shore Regional Office
Salisbury District Court/Multi Service Center
201 Baptist Street, Box 24
Salisbury, Maryland 21801

Re: Town of Vienna - Removal of Warehouse Building

Dear Ms. Greene:

Thank you for forwarding the photographs and dimensions of the existing warehouse building. In earlier correspondence, we suggested the Town provided a sealed engineers plan, however we understand the Town may not have the funds to cover such an expense. In lieu of a sealed plan, we will accept a site plan drawn to scale depicting the location and dimensions of this building. Please forward a copy of that plan so we may include it in the file and refer to it for future reference.

Please call me if I can provide yourself or the Town with any assistance with this project. I look forward to working with yourself and the Town on this exciting project on the Nanicoke River. My new direct number is (410) 260-3478 and the new office number is (410) 260-3460.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Regina Esslinger, Chief Project Evaluation
Ms. Mary Owens, Chief Program Implementation

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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May 18, 2000

Ms. Gail Owings
Kent County Planning Office
Courthouse
Chestertown, Maryland 21620

Re: Robert L. Hindman
00-47

Dear Ms. Owings:

This office has received the above-referenced variance request. It was not clear from the information provided whether the existing dwelling was proposed to be enlarged or whether it will be replaced. If the dwelling will be replaced, and a majority of the foundation is being removed, we recommend the new dwelling be sited outside of the 100-foot Buffer since it appears there is adequate room to site the dwelling. If the dwelling is being enlarged, we recommend that it be enlarged towards Spring Road. We have no objection to the proposed decks as the site plan indicates the proposed decks will be a reasonable expansion of living space. All new disturbance to the Buffer shall be mitigated for at a 3:1 ratio with native species.

Thank you for the opportunity to comment. Please submit this letter as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: KC 253-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

May 10, 2000

Mr. Scott Burroughs
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Re: Woodrow Wilson Bridge Project
Geotechnical Investigations

Dear Mr. Burroughs:

Thank you for your letter and plans showing the first phase of the geotechnical investigations. We understand the proposed boring sites in the Chesapeake Bay Critical Area will be flagged prior to the investigations. Also, the proposed clearing of .2 acres will be mitigated as part of the entire forest mitigation package for this project. A Plantings Agreement will be established with the State Highway Administration once the project receives approval from the Critical Area Commission.

Please continue to keep this office informed of the timing and locations of future geotechnical investigations. If I can provide you with additional assistance, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Heidi VanLuven, Commission Representative for MDOT

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 9, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: River Oaks, Lot 2, Revision

Dear Ms. Chalkley:

Thank you for forwarding the Critical Area report and site plan for the above-referenced property. I have outlined my comments below.

- 1) The report indicates the portion of parcel inside the Chesapeake Bay Critical Area is designated as an Intensely Developed Area (IDA). The 10% Pollutant Reduction Calculations which the Critical Area Report addresses are not clear. I performed the calculations and they are different than those referenced in the report.
- 2) The worksheet should be provided to the County and to this office to ensure the appropriate figures were used in calculating the total phosphorous loadings. A Best Management Practice (BMP) should be indicated in the appropriate area on the worksheet. This office can provide the County assistance with the 10% calculations.
- 3) The Critical Area Report also addresses a drainage way that runs diagonally across the site. The County should determine whether this feature is a stream. If so, a 100-foot Buffer is required on either side.
- 4) It appears the applicant has requested an environmental review of the parcel from the Department of Natural Resources. This review should be completed before final permits are issued.

Thank you for the opportunity to comment. Please telephone me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 217-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

May 4, 2000

Mr. Dick Morris
Lane Engineering, Inc.
408 N. Washington Street
Easton, Maryland 21601

Re: Crockett Brothers Boatyard - Oxford, Maryland
10% Pollutant Reduction Calculations

Dear Mr. Morris:

Thank you for sending the 10% Pollutant Reduction Calculations to this office for review. I have checked the figures on Worksheet A, and they appear to be correct. Since the Pollutant Removal Requirement resulted in -.43 pounds of phosphorus, it is not necessary to propose a Best Management Practice for this site. If the proposed development activities change, the 10% Pollutant Removal Requirement will need to be recalculated using Worksheet A.

If you have any questions, or need additional assistance from this office please do not hesitate to contact me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Lillian Lord, Town of Oxford
Mr. Roby Hurley, Critical Area Circuit Rider

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

April 26, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Malcolm & Stacy Ringel
Appeal #1140

Dear Ms. Verdery:

Thank you for forwarding the above-referenced special exception request for review. The applicant proposes to extend an existing pier and locate two additional mooring piles in Broad Creek. This office has no objection to this request provided the pier extension and piles will not impact any Habitat Protection Areas (HPAs) in Broad Creek. An HPA would include shellfish beds, anadromous fish propagation waters, submerged aquatic vegetation and any other rare, threatened or endangered species listed by the Department of Natural Resources, Heritage and Biodiversity Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 215-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 25, 2000

Ms. Cynthia D. Simpson, Deputy Director
Office of Planning and Preliminary Engineering
State Highway Administration
P.O. Box 717
Baltimore, Maryland 21202

Re: Project No. AA601A21
US 50/MD 2 South Interchange Project, Anne Arundel County, Maryland

Dear Ms. Simpson:

Thank you for forwarding the above-referenced project to this office for review. According to your letter, the proposed scope of work within the Critical Area will involve no roadway widening or additional paving. Therefore, it appears there will be no additional disturbance to the Critical Area.

Since no additional disturbance is proposed, your letter also suggests this project may meet the conditions in the Memorandum of Understanding (MOU) between the Maryland Transportation Authority, the Maryland Department of Transportation and the Chesapeake Bay Critical Area Commission. A preliminary review by this office suggests that this project may meet this MOU; however, the site plans show at least one nontidal wetland and tidal wetlands near Weems Creek. At this time, it is not clear where the staging areas will be located. We recommend the staging areas avoid the wetlands and their buffers so this project will meet the General Approval. Once this information is clarified, we will send your office confirmation that the terms of the General Approval have been met.

If you have any questions or if I can provide you with assistance in any way, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Joseph Kresslein
Ms. Heather Amick

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 25, 2000

Mr. Paul J. Bonaccorsi
Acting Section Head
Water and Sewer Design Section
Washington Suburban Sanitary Commission
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A
Swan Harbour Sewer Replacement

Dear Mr. Bonaccorsi:

Thank you for forwarding the proposed planting agreement for the above-referenced project. I have reviewed the proposal and it meets the required mitigation for this project. You have indicated the trees will be planted in November, therefore this office will conduct a site inspection after plantings have occurred and a second time to ensure their survival. I will make arrangements with you to conduct these site visits at the appropriate times.

Thank you for your cooperation. If you have any questions, or need additional information, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Terry Valentine, WSSC

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 20, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Doris M. Moynihan
MS 98-106

Dear Ms. Chalkley:

I have received a second resubmittal for the above-referenced subdivision request. The applicant has addressed our previous comments and the latest information appears accurate. However, it is still unclear whether a letter was solicited from the Department of Natural Resources, Heritage and Biodiversity Division concerning the presence of rare, threatened or endangered species. The County should receive a letter from this division before final approvals are issued.

Thank you for the opportunity to comment. Please telephone me if you have questions at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA 523-98

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 974-2426 Fax: (410) 974-5338

April 20, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Katherine Orme
M-981

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision for review and comment. According to the information provided, the applicant proposes to create a three lot subdivision from a 97.960 acre property. There are 72.866 acres in the Critical Area which are designated as a Resource Conservation Area (RCA). I have outlined my comments below.

- 1) The information provided indicates tidal wetlands on the parcel. The applicant must determine whether this are State tidal wetlands or private tidal wetlands. If the wetlands are State-owned, they cannot be included as acreage for calculating the density, impervious surface limitations, and afforestation required.
- 2) The environmental report mentions the presence of hydric soils and at least two areas of nontidal wetlands; however the site plan does not display the location of these areas on the parcel. The County must ensure the 100-foot Buffer is expanded, where necessary, for contiguous areas of hydric soils and nontidal wetlands. All nontidal wetlands shall have a 25-foot buffer.
- 3) Those portions of the Buffer that will be associated with residential use shall be reestablished with native vegetation, since a portion of this parcel is converting from an agricultural use to a residential use.

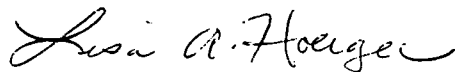
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Ms. Verdery
Page Two
April 21, 2000

- 4) The Talbot County Soil Survey shows two intermittent streams running through this parcel. A plat note indicates one stream terminates at the property line per a site visit performed by the Army Corps of Engineers. The County should verify this information.
- 5) The total impervious surface should include the private road in addition to the proposed dwellings, driveways, sidewalks and any accessory structures.
- 6) A letter from the Department of Natural Resources, Heritage and Biodiversity Division, was not included with the environmental report. The applicant and the County must obtain this letter to ensure the rare, threatened or endangered species or species in need of conservation will be adversely impacted.
- 7) Proper sediment and erosion control must be provided.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 212-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 18, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Matthew Greenhalgh
Ferry Neck Road

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to this office for review and comment. I have reserved commenting since this office has not yet received a copy of the Environmental Assessment. We only have the site plan and Critical Area Project Information Form. In the meantime, I am providing your office with preliminary comments for your consideration until further information is available.

- 1) Is this a newly created parcel? If so, it does not meet the RCA density limitations of one dwelling unit per twenty acres.
- 2) Are there tidal or nontidal wetlands on the property? If so, they need to be delineated and appropriate buffers established to determine the developable area. Also, if the site is adjacent to mean high water or a perennial or intermittent stream a 100-foot Buffer is required. All buffers not currently established in vegetation shall be reestablished with native species.
- 3) As indicated, 40,380 square feet of afforestation is required. This number reflects 15% of the total area of the parcel which is 6.18 acres. We recommend that the area of reforestation provide a connection to other forested areas on contiguous properties.
- 4) A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be obtained prior to issuing approvals to ensure no rare, threatened or endangered species or their habitats, if they exist on this site, will be negatively impacted.

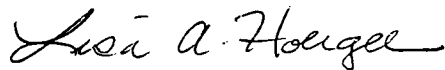
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(410) 822-9047 Fax: (410) 820-5093

Ms. Verdery
Page Two
April 18, 2000

- 5) Adequate sediment and erosion control and stormwater management measures shall be used to ensure there will be no detrimental impacts to receiving waterbodies.

Thank you for the opportunity to comment. Please forward the Environmental Assessment once it becomes available. If I can provide additional assistance, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 156-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 14, 2000

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Heron Cove - Resubmittal
S 98-274

Dear Ms. Allen:

Thank you for forwarding the resubmittal for the Heron Cove subdivision. I have outlined my comments below.

- 1) The revised plan still shows lot lines extending through the Buffer. An easement should be placed on those portions of these lots and the Open Space Parcel and the Recreation Area that are within the Buffer. A note should be added to the plan to alert future homeowners and those maintaining the stormwater pond of the Buffer and that no disturbance is permitted.
- 2) The Buffer should be expanded to include contiguous areas of the nontidal wetlands. It looks like there is only one area where the Buffer would need to be expanded. It is on the Recreation Area.
- 3) The plans indicate the Recreation Area will serve the community with access to the proposed future fishing and crabbing pier. Although this area of the Buffer is identified as being an area of reforestation, there appears to be a 25-foot wide area that will remain open. We understand the applicant will want to maintain an area for access. We recommend that access path be a three to six feet wide maximum.
- 4) Impervious surface figures appear correct, however the plan does not show sidewalks from the driveways to the dwellings. Since the proposed impervious coverage is nearing the 15% limitation, a note should be added to the plat to advise future homeowners of the limitation.

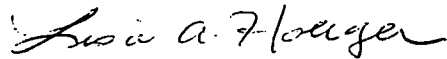
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Ms. Allen
Page Two
April 14, 2000

- 5) The afforestation and reforestation figures appear correct. The total combined plantings required should be 2.032 acres. Can the entire areas proposed for plantings be accommodated where proposed with respect to the existing areas of nontidal wetlands?

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 577-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 13, 2000

Mr. Frederick L. McEnany, Jr.
114 South Winds
Tinton Falls, NJ 07753

Dear Mr. McEnany:

At your request, I am providing you with information concerning the impervious surface limitations as they apply to your property in St. Michaels. After we spoke this morning, I contacted the town to confirm the essence of our conversation. I discovered that the town has not yet updated the impervious surface provision in their local ordinance that provides the flexibility granted by the change in the state law in 1996. The ordinance still contains language that limits impervious surfaces to 15%, and allows lots not exceeding one acre in size in a subdivision approved after June 1, 1986 to be up to twenty five percent of the lot.

The town is currently in the process of updating this provision, among others, to reflect the changes made in the Natural Resources Article. According to the town's critical area circuit rider, the changes may be introduced to St. Michaels' Planning Commission and Town Commissioners sometime this summer. Therefore, the impervious surface limitation that will apply to your lots is dependent on when you plan to develop your lots.

Enclosed is a copy of the provisions in the Annotated Code of Maryland, Natural Resources Article, Title 8, Subtitle 18. This provision was changed by the Maryland General Assembly in 1996 in an effort to provide relief to small lot owners constrained by the impervious surface limitations. I am also sending you a guidance paper prepared by this office that will explain the changes to the impervious surface limitations. Please note Table 1 on page 5. It provides the allowable impervious coverage for each category of lot or parcel sizes. Of course, these changes presently do not apply in St. Michaels until the proposed changes to the ordinance is adopted.

Another point of information you should know is that the underlying zoning also limits coverage on lots. You should check to see what the underlying zoning is on these lots to determine what will be the coverage limits. Whichever coverage is stricter will apply. In other words, if the Critical Area impervious surface limitations are stricter that provision will apply, or if the zoning coverage limitations are stricter those provisions will apply.

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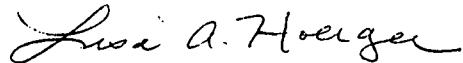
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



I suggest you reestablish contact with the local planning and zoning office. The number is (410) 745-9535. There may be other issues concerning your lots that require discussion between yourself and the planning office.

It was a pleasure speaking to you this morning. If I can provide further assistance, or if you have additional questions, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ms. Jean Weisman, Town of St. Michaels
Mr. Carl Titcomb, Town of St. Michaels
Mr. Roby Hurley, Critical Area Circuit Rider for the Town of St. Michaels

CLEARINGHOUSE REVIEW

April 5, 2000

TO: Arnold Norden, Greenways and Resources Planning (E-4)
Lynn Davidson, Wildlife (E-1)
Robert Beckett, State Forest and Park Service (E-3)
John Rhoads, Natural Resources Police (E-3)
Ray Dintaman, Environmental Review (B-3)
Jack Tawil, Education, Bay Policy & Growth Mgmt (E-2)
Marian Honeczy, Forestry (E-1)
Bill Hodges, Resource Assessment Services (B-3)
Regina Esslinger, Crit. Area Cmsn. (45 Calvert St., 2nd Flr)

FROM: H. ^{HG}Grant Dehart, Director, Program Open Space

SUBJ: DNR Clearinghouse Review of Local POS Project # 3708-3-338
Eastern Regional Park - Park Design, Baltimore County

This project proposes the design of recreation facilities and support amenities at the former Altenburg property consisting of 84.2 acres that will become Baltimore County's "Eastern Regional Park." Recreational facilities include ball diamonds, athletic fields, lighting/irrigation, a 1500 s.f. indoor recreation building, entrance road, parking lot, tot lot/playground, community gardens, trail system, landscaping, site utilities, stormwater management, grading plans, etc.

The above referenced project has been submitted to this office for funding in accordance with the Outdoor Recreation Land Loan of 1969, and remains on file in this office. Please submit any comments you may have concerning this project within two weeks of the date of this letter. If no comments are received within two weeks, it will be assumed that this project does not conflict with the programs, plans, or objectives of your Agency. If you require additional information before you can complete your review, please contact the undersigned.

CHECK ONE AND INITIAL

CHECK

INITIAL

1. The project does not conflict with the plans, programs or objectives of this Agency.

RECEIVED

2. The project does not conflict with this Agency's plans, programs or objectives, but the attached comments are submitted for consideration.

zart

APR 2 2000

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

3. The project conflicts with this Agency's plans, programs or objectives for the reasons indicated on the attachment.

Please return to Marti Sullivan, Program Open Space, Tawes State Office Building (E-4) Annapolis, upon completion of review.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 12, 2000

Mr. H. Grant Dehart, Director
Program Open Space
580 Taylor Avenue
Tawes State Office Building, E-4
Annapolis, Maryland 21401

Re: DNR Clearinghouse Review of Local POS Project #3708-3-338
Eastern Regional Park - Park Design, Baltimore County

Dear Mr. Dehart:

Thank you for forwarding the above-referenced project to our office for review and comment. The proposed park is partially located in the Chesapeake Bay Critical Area. Since it appears to be owned by Baltimore County, it should come to our office through Baltimore County for staff review and possibly formal review and approval by the Commission. Based on the Critical Area maps, the area proposed for development is designated a Limited Development Area (LDA). The project does not conflict with this agency's plans, programs or objectives, but I have included the following comments for your general information and that of Baltimore County. The Critical Area provisions for LDAs include the following:

- 1) All Habitat Protections Areas (HPAs) shall be avoided. The HPAs in the Critical Area include the 100-foot Buffer, threatened and endangered species and species in need of conservation, plant and wildlife habitat (i.e. forest interior dwelling bird habitat, colonial water bird nesting sites, historic waterfowl staging and concentration areas, riparian forests, natural heritage areas) and anadromous fish propagation waters.
- 2) Forest clearing is limited to 20% of the entire parcel. Clearing at or below 20% shall be mitigated at a 1:1 ratio; clearing between 20-30% at a 1:5:1 ratio; and clearing above 30% at a 3:1 ratio. All mitigation should be performed on site, if possible, and should be sited to connect with existing contiguous forested areas.
- 3) Impervious surfaces shall be limited to 15% of the entire parcel. Buildings, sidewalks, and parking areas, (gravel included) and other areas that will be compacted by vehicles are considered impervious.

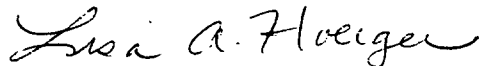
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(410) 822-9047 Fax: (410) 820-5093

Mr. Dehart
Page Two
April 12, 2000

- 4) The area of the 100-foot Buffer should be avoided. The plans indicate a walking path that meanders in and out of the Buffer. The current concept plan is acceptable since this is a public park and the path will provide public access. However, access should be limited and pedestrian traffic should be controlled in such a way as to avoid walking throughout the Buffer.
- 5) The Heritage and Biodiversity Division should review this site for potential rare, threatened or endangered species, or species in need of conservation.
- 6) Adequate sediment and erosion control measure and stormwater management shall be undertaken. These measure shall not impact the Buffer. If additional room is needed for these measures, they must be accommodated elsewhere on the site.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Roy List, Baltimore County DEPRM



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 12, 2000

Mr. Keith Kelley
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: New Hope Baptist Church

Dear Mr. Kelley:

Thank you for submitting the above-referenced concept plan for review and comment. Based on the information provided, it appears there are no Habitat Protection Areas existing on the subject site, therefore no variances to the County's Critical Area Program will be necessary. However, the applicant must address the remaining Critical Area requirements for development in an area designated as a Limited Development Area in the Critical Area. Those requirements include the following:

- 1) Since the site is currently not 15% forested, then 15 % afforestation is required. If this requirement cannot be met on site, a suitable off-site location or a fee-in-lieu is left to the County's discretion. We recommend some planting be accomplished on site and that drought tolerant, native trees, shrubs and herbaceous plants be utilized.
- 2) Impervious surfaces are limited to 15% of the parcel. It appears the parcel already exceeds the allowable impervious surface limits. In this case the existing area of impervious may be considered "grandfathered". In no case should the existing impervious area be increased. This office will not support a variance to exceed the impervious surface limitations on this .76 acre site.
- 3) Adequate and properly permitted sediment and erosion control and stormwater management devices are required prior to development of the site. In the Critical Area the applicant is required to address quantity and quality issues.

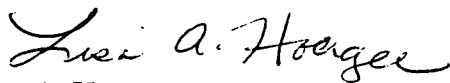
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Mr. Kelley
Page Two
April 12, 2000

- 4) The information provided indicates there are not Habitat Protection Areas (HPAs) on the subject site. The County should verify this information prior to issuing any permits.

Thank you for the opportunity to comment. Please contact me at (410) 260-7032 if you have any questions or require additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: BC 191-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 7, 2000

Ms. Elinor Gawel
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Herrington Harbor South
BEA 01-00

Dear Ms. Gawel:

Thank you for accompanying Mary Owens and myself to the Herrington Harbor South Marina on Monday. After visiting the site, we agree that this particular site qualifies as a Buffer Exemption Area (BEA). However, the County is required to make specific findings regarding the Buffer on sites proposed for designation as a BEA. In §1A-109 (f) of the County's Zoning Ordinance, it is stated that findings shall be made that the existing pattern of residential industrial, commercial, or recreational development in the Critical Area prevents the Buffer from fulfilling the following functions:

- (1) providing for the removal or reduction of sediments, nutrients, and potentially harmful or toxic substances in runoff entering the bay and its tributaries;
- (2) minimizing the adverse effects of human activities on wetlands, shorelines, stream banks, tidal waters, and aquatic resources;
- (3) maintaining an area of transitional habitat between aquatic and upland communities;
- (4) maintaining the natural environment of streams; and
- (5) protection of riparian wildlife habitat.

We recommend that each new BEA include findings on the items above in addition to the findings concerning the pattern of development.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



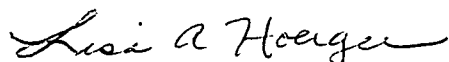
Ms. Gawel
Page Two
April 7, 2000

The Zoning Ordinance also references how setbacks on BEAs will be established and how mitigation will be determined. When development is proposed in BEAs our office assumes the County is following the provisions of the Anne Arundel County Zoning Ordinance with respect to development activities in BEAs. How have setbacks been established for this newly created BEA with no structures? Was a site plan provided?

In the future, the Commission requests that staff be given the opportunity to comment prior to the Director issuing final approval. At the time of Anne Arundel County's last comprehensive review in 1993, the Commission agreed to allow Anne Arundel County to approve new BEAs without formal Commission approval provided Commission staff was provided notice prior to approval.

Thank you for agreeing to visit the site with us. If you have any questions, please call myself or Mary Owens at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Ren Serey
Mary Owens



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

April 6, 2000

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 751- Enforcement and Penalties

Dear Mr. Cowee:

I am writing in regard to Bill No. 751, passed by the County Council as changes to the Talbot County Zoning Ordinance. The Commission Chairman John C. North, II has determined these changes to be a refinement to the County's Critical Area Program and has approved them with the concurrence of the Commission members. Section 8-1809 (p) (4) of the Critical Area Act require the County to incorporate these changes into its Critical Area Program within 120 days of the date of this letter.

Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-7032. Thank you for your cooperation.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Chesapeake Bay Critical Area Commission

STAFF REPORT

April 5, 2000

APPLICANT: State Highway Administration

PROPOSAL: Replacement of the Woodrow Wilson Bridge

JURISDICTION: Prince George's County

COMMISSION ACTION: **INFORMATION**

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.05 State Agency Actions Resulting in
Development on State-Owned Lands

DISCUSSION:

The State Highway Administration (SHA) proposes to replace the existing Woodrow Wilson Bridge and demolish the existing bridge which crosses the Potomac River just south of Washington D.C. At the April meeting, SHA will make a presentation before the full Commission for informational purposes only. The agency expects to have secured all Federal and State permits in June and may be before the Commission in July for project approval. This will be an opportunity for the Commission to ask questions or provide comments to SHA before the agency is before the Commission for project approval. As always, Commission staff are available to answer questions for Commission members at any time.

Description of New Bridge

The project area spans a 7.5 mile section along the I-95/I-495 Capital Beltway ramp, from west of Telegraph Road in Virginia to the east of Indian Head Highway (MD 210) in Prince George's County, Maryland. The proposed bridge will have two parallel drawbridges, one for eastbound traffic and other for westbound traffic, constructed approximately 30 feet south of the existing bridge. Each bridge will include four general use lanes, one HOV/express bus/transit lane and one merging/diverging lane. The drawbridges will be approximately 6,075 feet long, with a maximum grade of three percent, and have a 70-foot clearance over the navigational channel.

The proposed bridge consists of spans ranging in length from 120 feet to 398 feet including a 366-foot span over the main navigation channel of the Potomac River. The piers of this structure reflect a unique delta or V-shape with curved, vertically sloping pre-cast concrete legs. The foundations for the piers consist of cast-in-place concrete footings constructed on steel pipe piles. The cross section has a total width of 249 feet with the eastbound bridge being 110 feet wide, the westbound bridge being 124 feet wide, and a 15-foot separation between the bridges.

The interchanges at the intersections (MD I-295 and MD 210) will be reconstructed to provide for better traffic flow, increased access and roadway widening.

This selected alternative includes provisions for special design features. They include:

- A deck over the Capital Beltway on Rosalie Island to connect parkland on both sides and to provide a connection for the proposed Potomac Heritage Trail.
- A 12-foot wide pedestrian/bicycle facility with appropriate safety offsets will be included on the new bridge and will connect to the existing/proposed trail systems in Virginia, Maryland, and the District of Columbia.
- Conceptual mitigation plans have been developed to further enhance Rosalie Island to mitigate impacts to the parkland from the highway construction project. *(NOTE: This portion of the project will be reviewed and approved independently of the bridge and highway project).*

Impacts to the Critical Area

Unavoidable impacts are associated with the construction of the new Woodrow Wilson Bridge. They include impacts to tidal and nontidal wetlands, submerged aquatic vegetation, the 100-foot Buffer and forestry impacts. At present, SHA has quantified the impacts to the wetlands and SAV. Forest impacts are currently being quantified and the Commission will be updated. Commission staff are working closely with SHA to help the agency meet its reforestation requirements.

The following is a compilation of the aquatic resources impacts:

Tidal Wetlands	1.5
Nontidal Wetlands	1.0
Tidal Riverine/Open Water	6.7
SAV	31.7
Non Tidal Riverine/ Open Water	.1

SHA instructed its consultants to perform an exhaustive study of potential mitigation sites for the impacts to aquatic resources. Site visits were performed with the permitting resource agencies including the Army Corps of Engineers, the Maryland Department of the Environment, the Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries and the Department of Natural Resources. Together with these agency representatives, SHA was able to identify and prepare an aquatic mitigation package. Its approval is pending with the permitting resources agencies. These agencies guided SHA in determining the components of an acceptable mitigation package. It includes the creation of new tidal wetlands, enhancement of existing wetlands and improvements to stream channels (i.e. fish passage).

The proposed mitigation is as follows:

<u>Impact/Type</u>		<u>Mitigation Proposed</u>	
Tidal Wetlands	1.5 acres	4.2 tidal wetland creation	1.6 acres tidal wetland enhancement
SAV	31.7 acres	Fish blockage removal	
Tidal Water	6.7 acres	(19 proposed removals)	
		30 acres tidal wetland creation	
		10.8 acres tidal wetlands enhancement	
		20 acres in-kind SAV creation	

The Commission will be updated at the meeting on the status of this package with respect to the permitting agencies.

Total Mitigation in Maryland for Aquatic Resources Impacts

2.0 acres nontidal wetland creation (forested)
31.6 acres tidal wetlands creation (emergent)
15 acres tidal wetland enhancement
14.5 miles of stream restoration for anadromous fish habitat in Maryland waters
Hatchery restocking for three years in selected tributaries to the Anacostia River
20 acres SAV creation

Dredging

The proposed alternative will require 500,000 cubic yards of dredging over two seasons. The proposed areas to receive the dredge will be offered at the meeting.

Habitat Protection Areas (HPAs)

As previously discussed, SAV and tidal wetlands will be impacted by the construction of this project. Also, the Potomac River supports anadromous fish in addition to the short-nosed sturgeon. The bald eagle also frequents the project area. An update of these HPAs will be discussed at the meeting.

CHESAPEAKE BAY CRITICAL AREA COMMISSION

STAFF REPORT

April 5, 2000

APPLICANT: Talbot County

PROPOSAL: Penalties and Enforcement Zoning Ordinance Text Change

JURISDICTION: Talbot County

COMMISSION ACTION: Concurrence with Chairman's Determination

STAFF RECOMMENDATION: Approval

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Annotated Code of Maryland, Natural Resources Article
§8-1815: Enforcement

DISCUSSION:

Talbot County is requesting to amend their zoning ordinance to incorporate new provisions addressing enforcement of the zoning ordinance through fines and penalties. The amendment consists of adding a new section to the County's zoning ordinance. The new section (which is included in the mailing) will be applicable throughout Talbot County, including the Critical Area.

The proposed section identifies the County Planning Officer as the enforcement official, addresses the County's ability to seek injunctive actions and abatement orders, and includes fines for minor, moderate, and major infractions.

The proposed changes to the County's zoning ordinance will enable the County staff to implement the Critical Area Program more effectively by defining the appropriate procedures for identifying and resolving violations within the Critical Area.

This zoning ordinance text change will affect the use of land and water in a manner that is consistent with the County's Critical Area Program: therefore, Chairman North has determined that this change can be approved as a refinement and is seeking the Commission's concurrence.

19.15 Enforcement and Penalties

- (a) **Authority.** This section implements the authority contained in Article 25A, Annotated Code of Maryland to provide for the enforcement of this Ordinance by fines, penalties and imprisonment and to provide that a violation of a zoning law or regulation enacted under Article 25A, may be a civil zoning violation.
- (b) **Enforcement Official.** This Ordinance shall be administered and enforced by the County Planning Officer who may delegate such duties and responsibilities as he determines appropriate. He may also be assisted by any other enforcement officials as the County Council may direct. The Planning Officer, his delegatee(s), or appointed enforcement officials shall have the authority to issue administrative orders, determine reasonable abatement periods and procedures, enter into abatement agreements on behalf of Talbot County, issue civil citations, assess civil monetary penalties, and exercise such other incidental powers as are necessary or proper to enforce the terms of this Ordinance.
- (c) **Right of Entry.** The Planning Officer, his delegatee(s), or appointed enforcement officials shall have the right to enter upon open land to perform their duties under the terms of this Ordinance. No enforcement official may enter any building or structure without permission from the owner or occupant except pursuant to a warrant issued by a Court of competent jurisdiction and accompanied by a police officer who shall serve and execute the warrant.
- (d) **Identification.** The Planning Officer shall adopt an appropriate form of identification for himself, his delegatee and any other appointed enforcement officials as provided by paragraph (b) above.
- (e) **Persons Responsible.** The owner or occupant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, realtor, or other person who commits, participates in or assists, any violation of the terms of this Ordinance may each be chargeable with such violation.
- (f) **Continuing violations.** Each day that a violation continues after the issuance of a civil citation or after the failure to comply with an administrative order shall be a separate offense for the purposes of penalties specified in this Section. An inspection that indicates that a violation continues to exist shall be prima facie proof of a continuing violation that has existed since the last inspection.
- (g) **Repeat violations.** A violation will be considered repeated if it is of the same nature, committed by the same person, and occurs within three (3) years from the last infraction.
- (h) **Cumulative remedies.** The remedies available to the County under this Section are cumulative and not alternative, and the decision to pursue one remedy does not preclude the pursuit of another.
- (i) **Violation of Ordinance - Actions and penalties.**
- (1) **Misdemeanor.** A person who uses property in violation of this Ordinance, who knowingly permits another to do so, or who violates an administrative order issued pursuant to §19.15(j)(1) of this Ordinance, may be prosecuted for a misdemeanor for each violation or noncompliance and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both.
- (i) Criminal prosecution of a misdemeanor shall require the approval of the Planning Officer who may enlist the services of the County Attorney to charge and prosecute such violations.
- (ii) No criminal prosecution shall be initiated for any alleged violation unless it is determined to be either; (1) a major violation, (2) a second or subsequent moderate violation, or (3) a third or subsequent minor violation, all as defined in § 19.15(j)(3)(ii).

(2) Civil fine. A person who uses property in violation of this Ordinance, who knowingly permits another to do so, or violates an administrative order issued pursuant to §19.15(j)(1) of this Ordinance, may be subject to civil fine through the issuance of a citation as provided by §19.15(j)(3) of this Ordinance.

(3) Injunction.

(i) The County may institute injunctive or other appropriate actions or proceedings to bring about the discontinuance of any violation of this Ordinance, administrative order, permit, decision or other imposed condition. The pendency of an appeal to the Board of Appeals or subsequent judicial review shall not prevent the County from seeking injunctive relief to enforce an administrative order, permit, decision or other imposed condition, or to restrain a violation pending the outcome of the appeal or judicial review.

(ii) In an action for injunctive relief to enforce an administrative order, the court may also impose a civil monetary penalty of up to \$500 for each day that the administrative order was violated, but not exceeding \$10,000, after considering:

[a] the willfulness of the violation;

[b] the harm to the environment or the community in which the violation occurred; and,

[c] the cost to the County of enforcing the administrative order.

(iii) A person is not subject to the penalties described in this subsection for violations of an administrative order that occur during the pendency of an appeal or during subsequent judicial review unless the court finds that the appeal was taken in bad faith or without substantial justification.

(j) **Other Actions and Penalties - Administrative and Civil Citation.** Any one or any combination of the following enforcement procedures may be initiated upon verification of, or upon probable cause to believe that any terms of this Ordinance have been violated. These same actions or combination thereof may also be initiated for violation of, or noncompliance with, any condition imposed in (1) any permit or license issued under the authority of this Ordinance, (2) any order or decision from the Board of Appeals, (3) any conditional approval from the Planning Commission:

(1) Administrative Abatement Order. An administrative order to abate or correct an alleged violation, or to cease work or activity being performed in violation of this Ordinance or imposed condition may be sent by certified mail or by personal service to the persons(s) responsible for such violations or noncompliance. If service of the order is not reasonable or is unsuccessful, then service by posting of the order on the building, sign or land, with a copy mailed via first class mail to the last known address of the property owner or alleged violator, as the case may be, shall suffice. An abatement order shall advise the alleged violator:

(i) of the nature of the violation;

(ii) of a reasonable time limit for the violation to be abated, corrected or discontinued;

[a] Said time limit shall take into account the actions necessary to abate, correct or discontinue the violation.

[b] There is a rebuttable presumption that a period in excess of thirty (30) days is unreasonable unless special extenuating circumstances can be proven, or an alternative binding agreement to abate is entered into by the County and person(s) responsible for the violation.

(iii) of the right to and time limit to appeal the order to the Board of Appeals; and,

(2) Warning Notice. If the Planning Officer or enforcement official determines that the issuance of an abatement order is not appropriate, they may elect to issue an informal letter or warning notifying the person(s) responsible that a violation of the Ordinance may exist. A letter or notice issued under this subsection does not constitute a final order from the Planning Officer, and is therefore not appealable to the Board of Appeals.

(3) Civil Citation. The Planning Officer or enforcement official may deliver a citation to the person(s) believed to be committing a civil zoning violation. The citation shall serve as notification that a civil zoning violation has been committed and a monetary fine has been assessed that is due and payable to the County within ten (10) calendar days from the date of its issuance. A copy of the citation shall be retained by the Planning Officer and shall bear certification attesting to the truth of the matter set forth.

(i) The citation shall contain:

[a] The name and address of the person charged;

[b] The nature of the violation;

[c] The location where, date and time the violation occurred;

[d] The amount of the fine assessed according to the following schedule of fines;

	Minor Infraction	Moderate Infraction	Major Infraction
First Offense	\$50	\$100	\$500
Second Offense	\$100	\$200	\$500
Third Offense	\$150	\$300	\$500
Subsequent Offenses	\$200	\$400	\$500

[e] The manner, location, and time in which the fine may be paid; and,

[f] The person's right to elect to stand trial for the violation.

(ii) For purposes of establishing the amount of the pre-set fine, the following definitions apply:

[a] Minor infraction - an infraction which does not have noticeable or significant adverse affect on the environment or on the peaceful use, enjoyment or value of another's property.

[b] Moderate infraction - an infraction which has noticeable or significant adverse affect on the environment or on the peaceful use, enjoyment or value of another's property, but does not have significant adverse effect on the health, safety or general welfare of the neighborhood, community or the public at large.

[c] Major infraction - an infraction which has severe adverse affect and/or threatens the environment, or has significant adverse affect on the health, safety or general welfare of the neighborhood, community or the public at large.

(iii) Mischaracterization of an infraction as minor, moderate or major shall not be a defense to the alleged violation of the Ordinance, but shall only modify the amount of the pre-set fine.

(iv) Method of Delivery. A civil citation shall be delivered to the person(s) believed to be committing a civil zoning violation in the same manner as an administrative abatement order.

(v) Right to stand trial. A person who receives a citation may elect to stand trial for the offense by filing with the Planning Officer a notice of intention to stand trial. The Planning Officer shall forward to the District Court having venue, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to Talbot County.

(vi) Failure to pay fine. If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of violation shall be sent to the owner's last known address. If the citation is not satisfied within fifteen (15) days from the date of the formal notice, the person is liable for an additional fine twice the original fine. If, after thirty-five (35) days from the date of the formal notice the citation is not satisfied, the Planning Officer may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(vii) Adjudication. Adjudication of a violation under this subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(viii) Proceedings. In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth in municipal infractions in Article 23A, Section 3(b)(7) through (15), Annotated Code of Maryland, as amended from time to time and which is incorporated by reference herein. In the event a person is found to have violated the Ordinance, the court may impose any fine, including any doubling of the fine, not to exceed the limits imposed by Art. 23A §3(2) Md. Ann. Code. The County Attorney is authorized to prosecute a civil zoning violation, enter a nolle prosequi or place such cases on the stet docket.

(ix) Court Costs. If a person is found by the District Court to have committed a civil zoning violation, he shall be liable for the costs of the proceedings in the District Court.

(4) Non-renewal, Non-issuance, Suspension or Revocation of Permit.

(i) The Planning Officer may decline to issue or renew, suspend, or revoke any permit or license issued under the authority of, or required by this Ordinance on the following grounds:

[a] false, misleading, inaccurate or incorrect statements or information given on any application, or

[b] serious or repeated violations of this Ordinance or any terms, conditions or restrictions in the permit or license itself.

(ii) The Planning Officer shall give written notice and opportunity to be heard before any non-renewal, non-issuance, suspension or revocation and shall render a written decision on the matter, which shall be considered an administrative order.

(k) Enforcement costs. In any action or proceeding in which the County substantially prevails, the County may recover all costs incurred to enforce the terms of this Ordinance, counsel fees and litigation expenses.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 3, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Eschinger Property
S 00-033, P 00-051

Dear Ms. Chalkley:

Thank you for forwarding the above-referenced subdivision request to our office for review. It appears the applicant is requesting to subdivide a 73.44 acre parcel into 40 lots that will support single family dwellings. The Critical Area portion of the parcel has a split designation of Limited Development Area (LDA) and Resource Conservation Area (RCA). Ten lots are proposed partially inside the Critical Area, three lots are proposed in the LDA and one lot within the RCA. I have outlined my comments below:

- 1) Only one lot is permitted within the RCA portion of this parcel since the density restrictions of the RCA are one dwelling unit per twenty acres. The other lots proposed that are partially within the RCA, lots 15, 17, 21, 22, 25, 26, 27, 28, 29, and 30, cannot have their dwelling units or any other development activities associated with that dwelling unit within the RCA portion of the lot. The County can require reconfiguration at this time or require easements on the RCA portions of these lots.
- 2) Based on the information provided to this office, it was not clear how the applicant intends to handle stormwater runoff. Since much of the site is mapped with hydric soils, infiltration will probably not be possible.
- 3) With the presence of hydric soils on the site, will the County be requiring the applicant to demonstrate that the proposed development activities will not impact streams, wetlands, or other aquatic environments? This issue must be resolved since no new lots should be created that may require a variance.

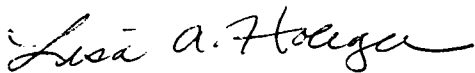
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(410) 822-9047 Fax: (410) 820-5093

Ms. Chalkley
April 3, 2000
Page Two

- 4) Although not specifically mentioned in the letter from the Heritage Division of the Department of Natural Resource, this parcel may support breeding areas for Forest Interior Dwelling Birds (FIDs). The County should follow-up on this issue and require a breeding bird survey if necessary.
- 5) The environmental report mentions several streams on site. They need to be shown with their appropriate buffers. Inside the Critical Area the appropriate buffer is a minimum 100 feet.
- 6) The clearing proposed for this subdivision is confusing. The Critical Area report mentions 11 acres will be cleared. However, it appears only one acre will be cleared based on the table on the site plan. Please confirm the correct acreage and indicated the required replacement.

Thank you for the opportunity to comment. Please telephone me if you have any questions or need additional information.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 103-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 31, 2000

Mr. Glenn Shaffer
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Gernhart Property
6801 Schaadts Road.

Dear Mr. Shaffer:

Thank you for forwarding the above-referenced request for a variance to the 100-foot Buffer. The applicant proposes to construct a 16' x 10' shed in the 100-foot Buffer. It appears the administrative variance has already been denied for this application. In any case, we concur with the letter from the Director of DEPRM, Mr. George Perdikakis, which denies the request.

If I can be of further assistance, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 158-00

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 31, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bucktail, LLC

Dear Ms. Verdery:

Thank you for forwarding the environmental assessment for the above-referenced subdivision request. Your office should be in receipt of my last dated concerning this request dated March 16, 2000. The comments below are in addition to the comments raised in the previous letter.

- 1) The information concerning the presence of nontidal wetlands is contradictory. The site plan indicates pockets of nontidal wetlands, however the environmental assessment states no nontidal wetlands exist on site. The County should investigate this issue before final plat approval.
- 2) The letter from the Department of Natural Resources (DNR), Heritage and Biodiversity Division is dated August 17, 1995. The applicant should obtain a more recent review by DNR to ensure no changes have occurred on the property since the time of the last review. DNR recommends these letters be no older than two years.
- 3) The comments on the August 17, 1995 letter from DNR indicate the presence of an Historic Waterfowl Staging and Concentration Area adjacent to the site. It appears that applicant has not proposed any water dependent facilities at this time. In regard to the comment concerning Forest Interior Dwelling Bird (FID) habitat, it appears unlikely that this parcel supports habitat or breeding areas for FIDs. This parcel is not heavily forested; therefore, this office believes further study is not necessary.
- 4) The environmental assessment indicates that clearing will occur for driveway access. This information will need to be quantified to determine how much reforestation will be required. Also, the existing forest cover must be quantified to determine whether afforestation is necessary on this parcel.

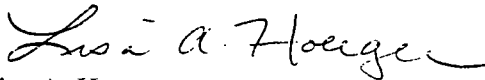
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Ms. Verdery
Page Two
March 31, 2000

- 5) It is my understanding this parcel was the subject of a clearing violation several years ago. The county should ensure the applicant has meet the replanting requirements associated with the violation before final approvals for the proposed subdivision are issued.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 125-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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March 31, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Joan Bister
Appeal # 1135

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to this office for review. The applicant proposes to construct a porch addition on the waterside of an existing dwelling. Since the proposal will be approximately fifty-four feet from the edge of mean high water a variance to the County's Buffer requirements is requested.

I accompanied you to this site yesterday and met with the applicant. The new addition will encroach approximately five additional feet into the 100-foot Buffer. The proposed disturbed area currently consists of lawn and a landscaped area. I understand the applicant has provided your office with a detailed landscaping plan. Absent that plan, I recommend mitigation in the form of native Buffer plantings be provided for the area of new disturbance in the Buffer at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 142-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 31, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning and Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Thomas Mitchell
Appeal # 6120

Dear Ms. Verdery:

Thank you for forwarding the above-referenced request for a variance to construct an addition to an existing garage in the floodplain. While the proposed addition is also within the 100-foot Buffer, the Talbot County Critical Area Program does not require a variance to the Buffer since the expansion is not waterward of the existing structure. Since the floodplain regulations are not part of the County's Critical Area program, but rather a separate part of the ordinance, we will not comment on the floodplain issue.

In any case, I accompanied you on a site visit to the property yesterday to examine the current condition of the 100-foot Buffer. The property already has several structures within the Buffer, including the existing garage. The area proposed to site the addition next to the existing garage is currently used as a gravel parking area. This area is compacted and is not pervious. Even if the applicant proposed a separate structure outside the Buffer, it is likely this area will remain as an impervious area used to park vehicles. This office believes that the construction of an addition in this location will not comprise the Buffer's ability to function since it is already compacted gravel.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 150-00

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 28, 2000

Mr. Dan Cowee
Talbot County Office of Planning
& Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill 751- Enforcement and Penalties

Dear Mr. Cowee:

The Critical Area Commission received an amendment to the Talbot County Critical Area program. Bill 751 amends Title 19 of the Talbot County Zoning Code by repealing sections 19.14(e) and 19.14(f), reserving these sections for future use, and enacting a new section entitled Enforcement and Penalties.

We are accepting Bill 751 as a complete submittal. Chairman North has determined Bill 751 is a refinement and the bill will be reviewed by the full Commission at its meeting on April 5, 2000. I will notify you subsequent to that meeting.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: Mary Owens, Chief Program Implementation

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426

Fax: (410) 974-5338

March 27, 2000

Mr. Keith Kelley
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Alvina Lusk Property
Local Number 00-05

Dear Mr. Kelley:

Thank you for forwarding the above-referenced variance request to permit filling in the 100-foot Buffer. It appears the applicant proposes to fill holes created by erosion. Provided this filling will not require clearing of vegetation in the Buffer and is for the purposes of maintenance, this office has no objection to the request. We recommend the applicant plant native species within the Buffer to aid in holding the soils to prevent this issue in the future.

Any proposed filling waterward of the mean high water line requires an application to the Maryland Department of the Environment (MDE), Tidal Wetlands Division. If the County suspects the area of lawn proposed for fill could be a nontidal wetland, the Nontidal Wetland Division of MDE should be contacted.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: BC 144-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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March 27, 2000

Mr. Keith Kelley
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Kevin Fitzpatrick Property
Local Number, 99-16

Dear Mr. Kelley:

Thank you for forwarding the above-referenced request to construct a driveway through nontidal wetlands. From the site plan provided, it appears the applicant has chosen the location that will cause the least disturbance to the wetland, and this driveway will serve legally, existing buildable lots. Therefore, this office does not oppose the request.

The applicant is required to contact the Maryland Department of the Environment (MDE), Nontidal Wetlands Division regarding permits. This office will defer to MDE regarding suitable mitigation if MDE issues a permit and the County issues a variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 145-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 27, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Darrel Douppnik
Appeal # 1132

Dear Ms. Verdery:

Thank you for forwarding the above-referenced variance request to construct a pool in the 100-foot Buffer. The applicant proposes to remove an existing above-ground pool and construct an inground pool and its associated decking closer to the principal dwelling.

I accompanied you to this site and discovered that the lot is indeed as the applicant describes in his application. The 100-foot Buffer on this lot extends to the west and to the east of the existing dwelling. The remainder of the lot outside of the 100-foot Buffer is encumbered by setbacks, septic drain fields, underground electrical lines and a well.

The relocation of the pool as depicted on the site plan will not cause significant detrimental impacts to the Buffer in this particular case. By removing the existing pool, the Buffer can be reestablished. The area of the proposed pool is currently covered with an existing deck that is not considered pervious and some lawn area. We do not oppose the variance provided the applicant agrees to the reestablish the Buffer with native vegetation at a 3:1 ratio for all new disturbance. This office can provide assistance with a plantings plan if necessary. The priority planting area should be in the Buffer waterward of existing improvements.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 79-00

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(410) 822-9047 Fax: (410) 820-5093



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March 17, 2000

Mr. Paul Bonaccorsi, Acting Section Head
Washington Suburban Sanitary Commission
Water and Sewer Design Section
14501 Sweitzer Lane
Laurel, Maryland 20707-5902

Re: WSSC Contract 99CM2551-A
Swan Harbour Sewer Replacement

Dear Mr. Bonaccorsi:

Thank you for your letter updating the progress of the above-referenced project. Based on staff review last summer, we determined the scope of this project did not necessitate the need for Commission approval and that it could be handled at the staff level. Therefore, your office may proceed with the bid process notwithstanding any other local, state or federal permits necessary for the construction.

In regard to the required reforestation requirements, I have enclosed a copy of a Plantings Agreement which you should complete and return to me prior to clearing. If this replacement project is of an emergency nature, we can make arrangements for completion of the Plantings Agreement. If you have questions about this agreement, please do not hesitate to contact me at (410) 260-7032.

I look forward to working with your agency in completing the requirements of the Plantings Agreement. As always, we can provide technical assistance regarding appropriate plantings, size and location for your project. Thank you again for your cooperation and assistance with review of this project.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

March 16, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bucktail, LLC

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request to our office for review and comment. The applicant proposes to create three lots in the Critical Area based on the density requirements of one dwelling unit per twenty acres. I have outlined our comments below.

- 1) It appears this submission is intended for final plat approval. Our office did not receive an accompanying environmental report. Please forward a copy of that report when it becomes available. We may have additional comments at that time.
- 2) Since there are pockets of nontidal wetlands on this site, it is feasible there may be other areas of hydric soils which may require protection. The County should investigate this issue before final plat approval.
- 3) A letter from the Department of Natural Resources, Heritage and Biodiversity Division should be received by the County confirming there are not rare, threatened or endangered species on this site before final approval are is granted.
- 4) A table showing the allowable impervious surface limits is provided on the plan and is correct. If available at this time, the applicant also needs to provide proposed clearing for the site. It appears the driveways may require clearing through the existing tree line. Replanting requirements also should be provided.

Thank you for the opportunity to comment. If you have any questions, please telephone me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: TC 125-00

Branch Office: 31 Creamery Lane, Easton, MD 21601

(410) 822-9047

Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 16, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Acorn Road Lot Subdivision
M-984

Dear Ms. Verdery:

Thank you for forwarding the above-referenced subdivision request for review and comment. The applicant proposes to subdivide this 12.72 acre parcel into three lots which is permitted within a VC zone. Below I have outlined our comments regarding the request.

- 1) The County should not issue final subdivision approval until confirmation is received by the Department of Natural Resources, Heritage and Biodiversity Division that no rare, threatened, or endangered species are present on the site.
- 2) Afforestation is required since this parcel currently does not meet the 15% forest cover threshold. The site plan indicates the area proposed for afforestation. The afforestation area should consist of a block of forest, rather than strips of trees. The intent is to create maximum values for wildlife and water quality. It should not be configured to provide screening although it can serve that function for the property owner, provided it attempts to create new forested area and a connection for wildlife. An easement should be placed on the area of afforestation.

Thank you for the opportunity to comment. Please telephone me if you have questions or require additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC 107-00

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

March 16, 2000

Mr. Keith Kelley
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: Thomas M. Lau, Jr. Property
Local Number, 00-03

Dear Mr. Kelley:

Thank you for forwarding the above-referenced variance request to permit the construction of a single family dwelling within the 100-foot Buffer. While the proposed dwelling will not meet the County's Buffer Management Area requirements (BMA) and will require a variance, this office does not oppose the request. We are aware of the small lot sizes in the Millers Island community and the difficulty this presents property owners in meeting the requirements of the BMA. Also, this property owner will be decreasing the net impervious area on this lot and removing a 10' x 13' concrete pad near the edge of the existing bulkhead. In any case, the applicant should be required to perform mitigation at the County's discretion, however, it should be no less than the mitigation prescribed by the County's BMA.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 122-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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March 16, 2000

Mr. Keith Kelley
Baltimore County - DEPRM
County Courts Building
401 Bosley Avenue
Baltimore, Maryland 21204

Re: James V. & Pamela J. Cain Property
Local Number 00-02

Dear Mr. Kelley:

Thank you for forwarding the above-referenced variance request to permit a wrap-around porch in the 100-foot Buffer. This office has no objection to the request. Mitigation of native species at a 3:1 ratio should be provided for any new disturbance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for variance. Please notify the Commission of the decision made in this case.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: BC 122-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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March 15, 2000

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

RE: Tim & Debbie Howell - 00-WL-1140

Dear Mr. Cuthbertson:

Thank you for forwarding the Joint Public Notice to our office for review and comment. The applicant proposes to construct 75 feet of stone revetment and 100 feet of stone gabions within a maximum of 20 feet channelward of the mean high water line, construct a 155-foot long by 6-foot wide timber pier with a 10 x 20-foot "L" head and emplace one mooring pile all within a maximum of 165 feet channelward of the mean high water line.

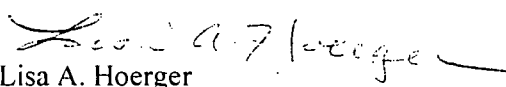
This office generally defers to your office regarding piers and moorings. Also, we defer to your office regarding whether a structure is necessary for the purposes of reducing shoreline erosion. If your office determines that a revetment is appropriate, this office will have no objection. However, in this case our concern lies with the landward extent of the structure.

As you are aware, this office encourages the protection of eroding shorelines with nonstructural means. In fact in COMAR 27.01.0, the preservation of the intertidal zone is encouraged. The attached drawings show riprap extending up the slope, landward of mean high water. This significantly impacts the 100-foot Buffer. If these measures are not necessary we recommend they not be approved as part of the plan since they will severely degrade the quality of the Buffer.

If any vegetation is removed for the installation of a shore erosion control structure it must be replaced at a 1:1 basis with native species. If the site currently has a forested Buffer with a canopy, shrub and herbaceous layer, then an appropriate plantings plan would include these three components, not just shrubs. If possible, there should be a single point of access to construct the shore erosion control measure.

If you have any questions, please call me at (410) 260-7032.

Sincerely,


Lisa A. Hoerger

Natural Resources Planner

cc: Bill Love, PACE

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 14, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: James J. Scardina, Jr.
BA 99-99V

Dear Ms. Morgan:

I have received notice of the above referenced appeal case. The applicant is requesting a variance to permit an accessory structure in the front yard of a waterfront lot with less setbacks and Buffer than required. The property is designated as a Intensely Developed Area (IDA), and is developed with a house, shed and pier. The applicant has constructed a shed on an existing concrete foundation and has requested a Buffer variance.

This office recognizes that no additional disturbance occurred as a result of the shed's construction. In any case, this shed will have the effect of bringing more people and activity closer to the water than the existence of the concrete foundation. According to the record of the administrative hearing, the hearing officer states;

"The applicant built what is essentially a free standing screened porch. He supplied it with power, running water, and seating. It is enclosed in the winter. He has used it for entertaining. These uses are available in the principal dwelling. The storage of boating and related items in the accessory structure is a secondary use of the structure. The property is already improved with an accessory structure suitable for storage of boating an related items."

Allowing a shed in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the valuable and sensitive shoreline Buffer. The County's Critical Area Program supports this goal in section 1A-103(e)(1) of the County Zoning Ordinance where it states that, "new development activities, except for water-dependent facilities, shall not be permitted in the buffer,...". Since a shed is not a water-dependent facility,

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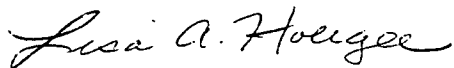
Ms. Charlene Morgan
March 14, 2000
Page Two

it should not be permitted within the Buffer. By limiting new development activities to those which are water-dependent, the County's Critical Area Program is recognizing the effects of human activity and is attempting to limit activity.

Based on these facts, this office cannot support the variance requested. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standard of unwarranted hardship. The applicant already enjoys reasonable use of the entire property and already has a shed on the property to accommodate storage needs.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 265-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
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March 9, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: James McCloud - Quaker Neck Road, Bozman
1128

Dear Ms. Verdery:

Thank you for arranging a site visit with the applicant's architect and landscape architect. The applicant requests a variance to the 100-foot Buffer for an accessory structure. The property is designated as a Limited Development Area (RCA), and is developed with a house, pool, garage/storage building, decking and two piers.

As proposed, this office cannot support the variance requested. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet these standards, especially the standard of unwarranted hardship. The Commission has consistently opposed the siting of new accessory structures in the Buffer. Below I have outlined our comments regarding this application and the variance standards:

- We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard is equivalent to the denial of reasonable and significant use of the property. The use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of his property. In this case the applicant enjoys the use for which the property is zoned, i.e., a residence (with numerous amenities), as well as full access to the water. Use of the property as a whole should be considered, rather than whether a particular structure is a reasonable and significant use. If each proposed structure or use is considered independently of the

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Ms. Verdery
March 9, 2000
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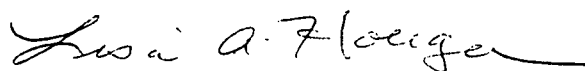
remainder of the property, every one of them could be considered a reasonable and significant use. Applicants would not apply for variances if they did not consider a structure or use significant to them. If the entirety of the property and other factors in this case are examined, it is clear that denial of the variance would not constitute an unwarranted hardship.

- The Commission cannot support this swimming pool within the Buffer because there is adequate room outside of the 100-foot Buffer to accommodate a new swimming pool. Although the applicant's preference is for a pool at the proposed location, the State Criteria nor the County's Critical Area Program provide a standard to address an applicant's preference.
- This office recognizes the applicant's proposal to remove significant areas of impervious surfaces from the Buffer. The intent of prohibiting new structures in the Buffer is to maintain its ability to provide for water quality and habitat. Besides prohibiting new structures that are not water-dependent, property owners should be encouraged by the county to maintain and improve its condition. Returning impervious areas back to pervious and/or vegetated areas is one of the best actions we can expect of property owners. In this case, removal of existing impervious areas was offered on behalf of the property owner and should be recognized. However, the Buffer cannot be improved if new impervious areas will be added to it.
- The State Criteria and the County's Zoning Ordinance expressly prohibit new development activities in the Buffer, except for water-dependent facilities. A pool is not a water-dependent facility and therefore should not be permitted within the Buffer. Allowing this new pool in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the valuable and sensitive shoreline Buffer. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

March 9, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Dear Ms. Chalkley:

This letter is to follow up on your recent inquiry regarding whether piers are permitted on lots whose development is outside of the Critical Area. Based on our conversation, it appears that some subdivisions in Anne Arundel County may include lots that are physically connected to the shoreline, however the development of these lots occurs outside of the Critical Area. This is usually a result of density restrictions associated with the Critical Area portion of the parent parcel.

For lots outside the Critical Area, where there is no Critical Area density associated with the lot because of density restrictions (i.e. RCA density), the construction of a pier would not be consistent with the intent and purpose of the RCA designation. Allowing pier construction to be merely a factor of some small physical connection to the shoreline would result in a proliferation of piers associated with non-waterfront development.

I hope this clarifiers this issue for you. Please feel free to telephone me if you have questions at (410) 260-7032. •

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 7, 2000

Mr. Chris Soldano
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Bell Grove/Jones Property - S #99-069, P #99-108

Dear Mr. Soldano:

Thank you for forwarding the requested information for the above-referenced subdivision request. The applicant proposes to create two lots using the intra-family transfer provision found in the County's Critical Area Program. Based on the size of the parcel in the Critical Area, the applicant is permitted a maximum of three dwelling units in the Resource Conservation Area (RCA) using the intra-family transfer provisions. Presently, the applicant proposes two lots and one residue. I have provided our comments below.

- 1.) The acreage figures for the area in the Critical Area are different from the acreage figures provided in the original Critical Area report. The County shall ensure the corrected totals are used to calculate the proposed impervious surface cover and proposed forest clearing for future development of these lots.
- 2.) The County shall also ensure that the expanded Buffer has been properly delineated so that all new development activities can be accommodated outside of the Buffer. This office will not support future variances for new development that impacts designated Habitat Protection Areas.
- 3.) The April 16, 1999 letter from the Department of Natural Resources (DNR) discusses the potential for this site to accommodate Forest Interior Dwelling Birds (FIDs). The applicant maintains that the guidelines contained in the letter from DNR are addressed and therefore any FID habitat on this site is conserved. We agree but also recommend the remaining forested areas of lots 1 and 2 and the residue parcel be put in an easement. We further recommend that a note be added to the plat to identify those areas placed in an easement and explain why no cutting is permitted.

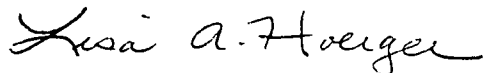
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Mr. Soldano
Page Two
March 7, 2000

- 4.) A 10,000 square foot septic reserve area (SRA) is located near the proposed parcel boundary between the residue parcel inside the Critical Area and the reserve parcel outside the Critical Area. Since this SRA is inside the Critical Area in the RCA, it should be used only for development occurring inside the Critical Area. Any development that may occur in the future on the reserve parcel outside the Critical Area must utilize an SRA outside the Critical Area or obtain growth allocation.
- 5.) Appropriate sediment and erosion controls and stormwater management measures shall be taken at the time of development of the proposed lots.
- 6.) If individual piers are proposed in the future, the County should request updated Submerged Aquatic Vegetation (SAV) survey information from the applicant. The Critical Area Report submitted contains information from a survey completed in 1996.

Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 292-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 7, 2000

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS
Annapolis, Maryland 21401

Re: Dutchship Pointe
S # 99-093, # 99-165

Dear Ms. Allen:

Thank you for forwarding the latest site plans and plat for the above-referenced project. I have outlined our comments concerning the latest changes and additions below.

- 1) The septic field located on proposed lot 1 is labeled "Septic Filed (Lot 3)". It should be labeled Lot 1.
- 2) The notes indicate that if greater than 30% clearing will occur a fee-in-lieu will be paid to Anne Arundel County. It should state the required fee just as it does for clearing under 20%.
- 3) Notes stating the impervious surface limitations and clearing restrictions, particularly those areas established as forest conservation areas, should be clearly labeled on the final plat.

Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 433-99

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(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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March 7, 2000

Ms. Tracey Greene, Regional Planner/Circuit Rider
Maryland office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna – Proposed Parking Lot
Impervious Surface Calculations

Dear Ms. Greene:

Thank you for forwarding the impervious surface calculations for the proposed parking lot. Since the calculations yielded a negative pollutant removal requirement, it is not necessary to provide a Best Management Practice (BMP) for this phase of the project. However, when the Town is closer to soliciting bids for the remainder of the waterfront project, the 10% Pollutant Reduction Rule must be recalculated for the entire site. If a BMP is required at that time, this office can provide technical assistance in choosing an appropriate BMP for this site.

In regard to the old warehouse building, you inquired as to whether the Town could document its location to ensure a rebuild on the same footprint at a later date if it is removed now. Yes, the Town may document the location of the building for this purpose. For documentation purposes, the Town should provide the following information to this office: a sealed survey showing the size of the structure and its location, and a letter stating the Town's intent to document the building's location for future projects.

Thank you again for your continued cooperation with the initial phase of the Town's waterfront project. Please call me if you have questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

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(410) 822-9047 Fax: (410) 820-5093



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March 7, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS
Annapolis, Maryland 21401

Re: Wayson Properties, Inc.
C #00-003

Dear Ms. Chalkley:

Thank you for forwarding the above-referenced site plan to this office for review and comment. The applicant proposes to remove some existing impervious areas in the Intensely Developed Area (IDA) and construct a Planned Commercial Complex. I have outlined our comments below.

- 1) Since the development proposed will occur in the IDA, the applicant is required to address the 10% Pollutant Removal Rule. Once the applicant has completed the necessary worksheets for this site, please forward them to this office. The 10% calculations will determine how much removal requirement is necessary for this site. Also, the worksheet, along with the accompanying workbook, can help to determine the proper Best Management Practice (BMP) to use on this site. This office can provide assistance with completing the worksheet and choosing an appropriate BMP.
- 2) The applicant proposes to use an infiltration and detention trench to manage quality and quantity. The 10% worksheet should be completed before final decisions are made concerning the method of stormwater treatment for this site. If the design proposed will adequately address the removal requirement generated by the 10% calculation, then it may be used to address stormwater for this site.

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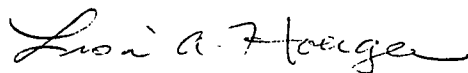
Ms. Chalkley
Page Two
March 7, 2000

- 3) The letter enclosed from the Department of Natural Resources (DNR) indicates several threatened and endangered species could occur on the site. This information should be verified before final approvals are issued. Please forward any new information concerning this issue when it becomes available. Follow-up with DNR is recommended on this issue.

- 4) The letter from DNR also indicates this site is adjacent to a Natural Heritage Area and a Wetland of Special State Concern. Again, the applicant and the County should follow up with DNR and the Maryland Department of the Environment (MDE) concerning any special conservation measures that can protect this wetland from development activities on the site. Also, the applicant should verify whether permits are required from MDE because of the proximity of the development site to the wetland.

Thank you for the opportunity to comment. If you have any questions, or require additional information from this office, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 98-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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March 2, 2000

Mr. Denis Canavan, Director
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6401
Annapolis, Maryland 21401

Dear Mr. Canavan:

The Maryland Department of the Environment (MDE), has contacted our office concerning a potential development proposal at the Herrington Harbor South property. MDE inquired as to whether this area is currently mapped as a Buffer Exemption Area (BEA) under the Anne Arundel County Critical Area Program, and if so, how a BEA status would affect development of this site.

We checked the maps on file at our office and it appears this parcel is currently not mapped as a BEA under the County's Critical Area Program. It was the understanding of MDE staff that the property owner has applied for a BEA for this parcel. We have not yet received this application; therefore, we would like to know the status of this request and would also like to provide comments to the County concerning any proposal.

When the County adopted its BEA Program, the Critical Area Commission and the County agreed that the designation of new BEAs would not require that each application be approved by the Critical Area Commission. However, we did agree that all applications for BEAs would be submitted to the Commission staff for review and comment, and to provide the County with technical assistance.

Thank you for your time with this matter. I look forward to meeting you and as always, the Commission staff and I are available to meet with you at any time to discuss Anne Arundel County's Critical Area Program.

Sincerely,

A handwritten signature in cursive script that reads "Ren Serey".
Ren Serey
Executive Director

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 1, 2000

Ms. Mary Kay Verdery
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Wes Schuman - Mill Creek Lane
1128

Dear Ms. Mary Kay Verdery:

Thank you for arranging a site visit to the above referenced property yesterday. The requested variance is for encroachment of approximately eighteen feet into the 100-foot Buffer to Skipton Creek. After an examination of the site plan it appears the Buffer on this lot must be expanded to include all areas of hydric soils. Therefore, the encroachment into the Buffer, including the area of expansion for hydric soils, is greater than eighteen feet.

In discussions with your office and Mr. Schuman, this office is aware that the applicant has reconfigured the proposed dwelling several times to minimize disturbance to the Buffer, avoid the sewage disposal area, and adhere to all other required setbacks including the community covenants which require 45 foot setbacks from the property lines. Therefore, it appears the applicant has attempted to minimize disturbance to the Buffer.

According to the applicant, the Maryland Department of the Environment (MDE) has issued permits for disturbance to the nontidal wetlands and its associated 25-foot buffer on this building lot. Since this office defers to MDE concerning mitigation for nontidal wetland disturbance, we recommend the County consider MDE's permit conditions as a condition of the variance. The proposed grass access way, which will be constructed by filling the wetland, is approximately twenty feet wide. In our discussions with the applicant, the intent of the walkway is to provide access to the shoreline for the homeowner. This office strongly recommends that the width of the walkway be reduced to a width ranging from three to six feet wide in order to minimize disturbance to the wetland areas. It was suggested to the applicant that a wooden walkway would constitute less disturbance to the wetland. We recommend the applicant consider an alternative that will be less intrusive to the wetland.

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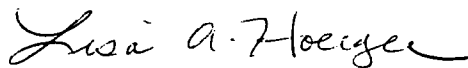
Ms. Mary Kay
Page Two
March 1, 2000

We understand the applicant proposes to eradicate the phragmites on this site and restore the nontidal wetland with native wetland plants. We applaud this effort, but ask that the applicant work in consultation with MDE regarding permits and the proper methods of eradication of this invasive species in order to ensure a greater success of eradication and restoration of the wetland. All vegetation in the upland portions of this site should remain undisturbed including the understory and herbaceous layers of the forest. Invasive vines or weeds may be removed as allowed by the County Inspector. The shoreline should remain undisturbed except to remove any trash.

Once the applicant has removed the structure near the shoreline, this area should be utilized for mitigation. All clearing that occurs outside of the Buffer should be mitigated at a 1:1 ratio. All disturbance occurring inside the Buffer, including the area of expansion, should be mitigated for at a 3:1 ratio with native species.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for appeal. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: TC 72-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 29, 2000

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Cape St. Claire - Section D, Lot 8
S 94-184, P 00-047

Dear Mr. Wedemeyer:

I have received the above-referenced request to create two lots from an existing lot. The applicant must meet all relevant Critical Area requirements of the County's Critical Area Program. In particular, the overall subdivision shall not exceed the 15% impervious surface limitations and shall provide for adequate sediment and erosion control and stormwater management controls.

Reforestation will be required for the Lot 8B. In order to minimize clearing and accommodate future development of this lot, the applicant should consider siting the dwelling and driveway off of Cape St. Claire Road. This configuration appears to conserve forested areas on the lot.

The two tables which provide forest clearing information and impervious surface information need to be corrected. The percentage of Lot 8B that is proposed for clearing is 35% of the total forest cover for that lot, not 25%. This would also change the amount of reforestation. However, if the overall forest clearing for the subdivision is 25%, then reforestation should occur at a 1.5:1 ratio. The totals in the impervious surface table also need to be added correctly.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 100-00

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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February 23, 2000

Ms. Tracey Greene, Regional Planner/Circuit Rider
Maryland Office of Planning
Lower Eastern Shore Regional Office
Salisbury District Court/Multi-Service Center
201 Baptist Street, Suite 24
Salisbury, Maryland 21801-4974

Re: Town of Vienna - Proposed Parking Lot

Dear Ms. Greene:

Thank you for forwarding a revised consistency report that specifically addresses the proposed parking lot. Based on the site plan provided, it appears the location of the parking lot is consistent with the Town of Vienna's Buffer Exemption Area (BEA) provisions. Thank you for clarifying the proposal.

Since the waterfront area is designated as an Intensely Developed Area (IDA), the entire project is required to address the 10% Pollutant Reduction Rule. It is our understanding the Town would like to proceed with demolition of the existing impervious area indicated on the site plan and construct the new parking area. Also, we understand the Town would like to construct that portion of the walkway which is in front of the existing building. The Town may proceed with these activities; however, a plantings plan shall be submitted in the interim as a temporary measure to address the 10% calculations. Once the 10% calculations are completed, these plantings will become part of the overall mitigation plan that will address the mitigation requirements of the Town's BEA provisions.

The 10% calculations should be performed in the near future to address the entire proposal for the waterfront redevelopment for the entire site. If the results of these calculations produce a removal requirement, a Best Management Practice (BMP) is required and will be incorporated into the design of the overall site. The BMP selected will provide treatment for the entire site.

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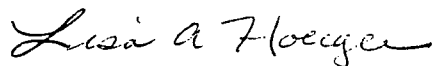
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Ms. Greene
February 23, 2000
Page Two

Commission staff have offered to provide the Town with an overall plantings plan for the mitigation requirements of the Town's BEA provisions. All Buffer mitigation will be in the form of native Buffer plantings. The plantings proposed to temporarily address the 10% Rule will become part of the overall Buffer mitigation package if the 10% calculations require that a BMP be installed on the site.

Thank you for your assistance in this matter. Please forward a copy of the proposed plantings that will temporarily address the 10% Rule for the immediate development activities. Once you have completed the worksheet addressing the 10% Rule, please forward it to this office for review. If you require assistance with the computations for the 10% Rule, please telephone the Commission staff at (410) 260-7516.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation
Mary Owens, Chief, Program Implementation



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 974-2426

Fax: (410) 974-5338

February 23, 2000

Ms. Liling Tien, RLA
President
P.E.L.A. Design, Inc.
212 Washington Avenue, Suite 100
Baltimore, Maryland 21204

Re: Cedar Haven at Patuxent River Park
PELA Project No. 97.051.15

Dear Ms. Tien:

Thank you for forwarding the preliminary information for the above-referenced proposal by the Maryland National Capital Park and Planning Commission (MNCPPC). Subsequent to our telephone conversation and a review of the materials submitted by your office, I have identified those issues which require clarification or need to be addressed by either your office or by MNCPPC. I have outlined those issues below. In any case, this project qualifies as development activity in the Chesapeake Bay Critical Area and will require formal project approval by the Chesapeake Bay Critical Area Commission.

- 1) The Prince George's County Critical Area maps identify this site as a Resource Conservation Overlay (RCO). As such, impervious surface limitations and forest clearing limitations apply to this project. The site plan provide a figure for total disturbed area. I assume this includes all clearing. Please clarify this point. Clearing under 20% of the total parcel will require mitigation at a 1:1 ratio with native species. Mitigation for forest clearing should first occur on site. If it is to occur off site, it should be in the Critical Area of Prince George's County.
- 2) A separate note should address the impervious surface figures for each area of impervious surfaces (i.e. parking lot, road way, turnaround area, walkway, overlook). Total impervious surface cannot exceed 15% of the total site area.
- 3) A narrative description of the existing land use and proposed land use proves helpful. Please indicate the reason for the parking lot. What use will it serve?
- 4) Commission staff will conduct a site visit once final plans and all issues have been adequately addressed. We will schedule a field visit with you and a representative from MNCPPC at that time.

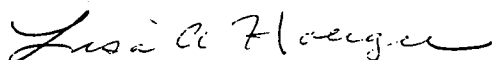
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Ms. Tien
February 23, 2000
Page Two

- 5) As discussed on the telephone, the 100-foot Buffer must be shown on the site plan. It is measured 100 feet landward from the edge of mean high water. The Buffer may be expanded to include contiguous, sensitive areas such as hydric soils, highly erodible soils or 15% slopes or greater. No new development activities are permitted in the Buffer except those that are considered water-dependent.
- 6) Given the limitations on development activities in the Buffer, the proposed turn around area may need to be reconfigured or eliminated from the plan. An explanation of this turnaround was not included in the submittal. Unless it is omitted from the plans, an explanation of its purpose is required.
- 7) The proposed walkway should be reconfigured to minimize its intrusion into the 100-foot Buffer. Commission staff are available to provide assistance in that regard.
- 8) A review by the Department of Natural Resources, Heritage and Biodiversity Division is required before Commission approval. I have noted that MNCPPC has conducted its own review, however, an official letter from DNR is required. You can contact this unit within DNR at (410) 260-8540. Please forward that information when it becomes available.
- 9) A review by the Maryland Historical Trust is also required. The telephone number is (410) 514-7601. Again, please forward this information when it becomes available.
- 10) Other permits required by either the county or the Maryland Department of the Environment (MDE) should be forwarded to this office. For example, a sediment and erosion control plan should be required since total disturbance exceeds 5,000 square feet.
- 11) How will stormwater be handled for this development plan? A permit from the county and MDE may also be required.

If I can be of any assistance, please do not hesitate to contact me at my direct telephone number which is (410) 260-7032. Once we have more details concerning the proposal and are assured that necessary permits are secured by other agencies we can schedule this project for consideration by the Critical Area Commission.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Regina Esslinger, Chief, Project Evaluation

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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February 23, 2000

Ms. Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: William G. Armiger, M.D. - BA 30-99V

Dear Ms. Miley:

I have received notice of the above referenced appeal case. The applicant is requesting a variance to permit a shed in the front yard of a waterfront lot with less setbacks and Buffer than required. The property is designated as a Resource Conservation Area (RCA), and is developed with a house, pool, gazebo, storage building and pier.

This office opposes the variance requested. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standard of unwarranted hardship. The Commission has consistently opposed the siting of new accessory structures in the Buffer. Below I have outlined our comments regarding this application and the variance standards:

- We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard is equivalent to the denial of reasonable and significant use of the property. The use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of his property. In this case the applicant enjoys the use for which the property is zoned, i.e., a residence (with numerous amenities), as well as full access to the water via an access ramp and pier. Use of the property as a whole should be considered, rather than whether a particular structure is a reasonable and significant use. If each proposed structure or use is considered independently of the remainder of the property, every one of them could be considered a reasonable and significant use. Applicants would not apply for variances if they did not consider a structure or use significant to them. If the entirety of the property and other factors in this case are examined, it is clear that denial of the variance would not constitute an unwarranted hardship.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Pam Miley
February 23, 2000
Page Two

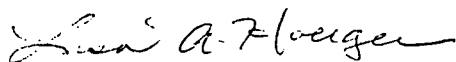
- Section 1A-103(e)(1) of the County Zoning Ordinance states that, "new development activities, except for water-dependent facilities, shall not be permitted in the buffer,...". Also, Section 1A-104(c)(13) of the County Zoning Ordinance states that, "in resource conservation areas, new development activities are not permitted in the buffer, except community marina facilities and private piers." A shed is not a water-dependent facility and therefore should not be permitted within the Buffer.

The Commission opposes the construction of this shed within the Buffer. The State criteria and the County's Zoning Ordinance expressly prohibit new development activities in the Buffer, except for water-dependent facilities. Allowing a shed in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the valuable and sensitive shoreline Buffer. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for the appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA515-98



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

Mr. Mark Wedemeyer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Vincent H. Valentine Property
MS 00-026

Dear Mr. Wedemeyer:

I have received the above-reference subdivision request to create two lots in an Intensely Developed Area (IDA) with a shoreline mapped as a Buffer Exemption Area (BEA). This office has no objection to this proposal provided the County has ensured no variances to any Habitat Protection Areas will be required. I have outlined my comments below.

- 1) The site plan does not indicate the limits of the expanded Buffer for steep slopes. The County shall ensure the limits of the Buffer are shown on the plan.
- 2) While this site is afforded BEA status, we recommend the applicant maximize the distance between the shoreline the site of the proposed dwelling. This action would result in less mitigation required.
- 3) Any new impervious areas that may be within in the Buffer, but no further waterward of the existing principal structure, shall be mitigated for on a 2:1 basis according to the County's Zoning Ordinance at §1A-109 (5). The County and the applicant should accommodate the required mitigation plantings on site and within the Buffer. It appears the Buffer on this lot can be greatly enhanced with any required mitigation plantings.
- 4) Appropriate stormwater and sediment and erosion control measures shall be taken at the time of development to ensure impacts to fish, plant and wildlife habitats are minimized.

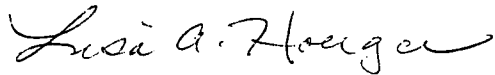
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(410) 822-9047 Fax: (410) 820-5093

Mr. Wedemeyer
Page Two
February 15, 2000

- 5) Since the subject property is located in an IDA, the applicant is required to address the 10% Pollutant Reduction Rule. If the calculations result in a negative pollutant reduction figure, the applicant still must address additional pollutant loadings. On residential lots we recommend additional plantings be installed on the property in those areas that receive stormwater flow. Given the topography of this property, we recommend the Buffer as a starting point, after the mitigation for Buffer impacts are accommodated.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information from this office concerning this subdivision request.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 61-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Klayman Property
MS 00-028

Dear Ms. Chalkley:

I have received a copy of the above-referenced subdivision request to create two residential building lots in a Limited Development Area. Provided the future development of both lots will not require variances to the County's Critical Area Protection Program this office sees no reason to withhold the request. The County should verify that the expanded Buffer is properly delineated before the subdivision is approved.

All Critical Area requirements found in the County's subdivision ordinance must be met. They include impervious surface limitations, reforestation and afforestation requirements, sediment and erosion controls and stormwater management.

Thank you for the opportunity to comment. Please telephone me if you have any questions or require additional information from this office.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: AA60-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning
and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Lorraine W. Colletta
BA 86-99V

Dear Mr. Dooley:

This letter serves as this office's comments and recommendations regarding the above-referenced request to permit an accessory structure on steep slopes with less setbacks and Buffer than required. Subsequent to our site visit last Friday it became apparent that the Buffer along the shoreline of the Hammarlee Estates subdivision is heavily developed with numerous structures and other forms of impervious surfaces. Hence, Anne Arundel County chose to map, and the Chesapeake Bay Critical Area Commission subsequently approved, this stretch of shoreline as a Buffer Exemption Area (BEA). The County has also mapped this area as an Intensely Developed Area (IDA).

These designations of BEA and IDA suggest the pattern of development in this area is such that the Buffer does not fully provide the habitat and water quality benefits it was intended to provide. However, the request on this lot is to disturb the 100-foot Buffer and steep slopes to locate a free-standing deck. Despite the BEA status afforded to this lot, the Anne Arundel County BEA provisions do not provide for structures that are waterward of an existing principal dwelling. Therefore, the applicant must still meet the variance standards for a Buffer variance. This office supports the County in its recommendation of denial based on the existing BEA provisions and variance standards in the County's Zoning Ordinance, and the proposed location of the deck that is the subject of this request. If this variance is granted by the Anne Arundel County Board of Appeals, we recommend that mitigation in the form of native plantings be provided in the Buffer at a 3:1 ratio.

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(410) 822-9047 Fax: (410) 820-5093

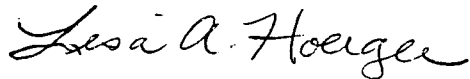
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Mr. Dooley
Page Two
February 9, 2000

Thank you for the opportunity to provided further comments. Please include this letter in your file and submit it as part of the record. Please notify the Commission of the decision made in this case.

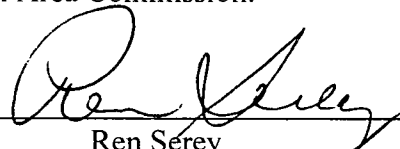
Sincerely,



Lisa A. Hoerger
Natural Resources Planner

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, I hereby certify that I am the custodian of the above letter, and that this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.

Custodian of Record



Ren Sérey
Executive Director

cc: AA 254-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 9, 2000

Mr. Daniel Cowee
Talbot County Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Buffer Management Area Draft - Dated December 2, 1999

Dear Mr. Cowee:

Thank you for forwarding the draft of Talbot County's Buffer Management Area (BEA) language. Staff are currently reviewing the proposed language the County intends to include in the Talbot County Zoning Ordinance. As you may be aware, Commission staff have a draft BEA Policy that is currently undergoing review. We are anticipating the Critical Area Commission will take action on this document at its March 2000 meeting. If this policy document is adopted, we will provide you with more substantive comments at that time. In the meantime, we request the following information in order to help expedite that review:

- 1) A copy of the Talbot County Critical Area Forest Management Manual that is referenced in the draft language.
- 2) Copies of updated text amendments to the Talbot County ordinances. For example, the draft document refers to the County's impervious surface language; however, our copy of the ordinance appears to contain outdated language.

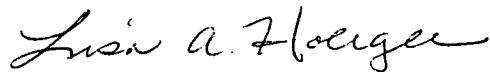
Finally, we have performed a preliminary review of the tax maps indicating those portions of the shoreline the County is proposing as BEAs. The County will be required to make specific findings for each area proposed for BEA status subsequent to a recent Circuit Court decision concerning a BEA in the town of Chesapeake Beach. Commission staff can provide assistance in this regard. Also, it has been the practice of this office to perform site visits for each proposed BEA. Site visits can provide the basis for the required findings. We plan to begin this process with you as soon as possible. Please telephone me to begin scheduling dates for the site visits by staff.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Mr. Cowee
Page Two
February 9, 2000

Thank you again for submitting the County's proposed BEA draft document for staff review. As always, we look forward to working with Talbot County on establishing a BEA program that will benefit the citizens and the Chesapeake Bay. The final BEA language should ensure flexibility and provide for appropriate mitigation for development activities that occur in BEAs.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: Judge John C. North, II, Chairman



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 8, 2000

Mr. Robert Cuthbertson
MDE, Water Management Administration
Tidal Wetlands Division
2500 Broening Highway
Baltimore, Maryland 21224

RE: Gemini Realty - 00-WL-0775

Dear Mr. Cuthbertson:

Thank you for including this office on the site visit to the above-referenced property and for the additional information received by fax last week. We support the decision agreed upon during the field visit with a representative of the applicant to install marsh creation along those portions of the shoreline with little or no evidence of erosion.

For those portions of the 100-foot Buffer that are currently pervious area, we recommend the applicant plant native vegetation in order to restore the Buffer's ability to provide some measure of improved water quality and habitat for those terrestrial and aquatic species that could utilize this site.

We understand that MDE and Army Corps of Engineers have put the applicant on notice that the structure in the Buffer was not permitted and is therefore a violation. This structure may also be a violation of Anne Arundel County's Critical Area Program. This office will be in contact with the County in regard to this potential violation. The proposed stormwater management area in the Buffer will be discussed with the County.

Thank you for the opportunity to comment. If you have any questions concerning the above-referenced comments, please do not hesitate to call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: Mr. Chris Soldano, Anne Arundel County - PACE
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Hidden Pond at South River Colony
(Formerly - Beards Creek at South River Colony, Parcel F)

Dear Ms. Chalkley:

I have received the resubmittal for the above-referenced subdivision request. The applicant has reconfigured the lots so that all development activity will be outside of the Critical Area. Nevertheless, I have outlined additional comments below.

- 1) The remaining lands are labeled Reserve Parcel or Forest Conservation Easement. The Reserve Parcels will potentially be developed at a later time. It is unclear how the current configuration of these parcels and the locations of two areas labeled Forest Conservation Easement will address the Forest Interior Dwelling Birds (FIDs) issue when development is proposed on these parcels in the future. It appears interior habitat will still be impacted.
- 2) The applicant should consider placing the Forest Conservation Easements closer to Beards Creek, and cluster any future development activities with the proposed lots.
- 3) We strongly recommend the applicant consider clustering the development proposed outside the Critical Area since this forested area is also FID habitat. By clustering the clearing associated with the ten lot development close to Maryland Route 214, less interior habitat will be impacted, and the FID habitat on site will be better preserved.

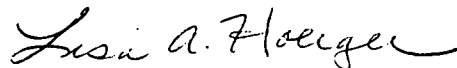
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(410) 822-9047 Fax: (410) 820-5093

Ms. Penny Chalkley
Page Two
February 7, 2000

- 4) Another possibility, if amenable to the County, would be to put an easement on that portion of the site in the Critical Area, and place the three potential lots generated from the Critical Area portion outside the Critical Area to better conserve and protect FID habitat.

As always, Commission staff are available to assist the County and the applicant in alternative site designs to ensure satisfactory conservation of the FID habitat on this parcel. Please telephone me if you have additional questions.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

cc: AA 524-99



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Elinor Gawel
Anne Arundel County Department of Planning
and Code Enforcement
2664 Riva Road, MS 6402
Annapolis, Maryland 21401

Re: Draft Bill Entitled - The Chesapeake Bay Critical Area and Wetlands

Dear Ms. Gawel:

Thank you for forwarding a copy of the above-referenced draft legislation to this office. We have reviewed this document and have discovered what appears to be some inconsistencies. Also, we have some general questions concerning the document that you may be able to clarify. The following is a list of those inquiries:

- 1) Are the changes to the County's Critical Area Program Document going to be a part of this bill? The first paragraph refers in a general sense to the changes to this document, however, the specific changes do not appear to be addressed in the subsequent bill language. Is the County required to address these changes specifically within the text of the bill just as the changes to the ordinances, or can they be referenced in the first paragraph?
- 2) Will the fines assessed for violations be assessed every day? The language appears to assess a fine for repeat violations. Please clarify.
- 3) The County proposes to allow Bed and Breakfast Inns, 1A-103 (G)(3), only if the use existed as of December 1, 1985. The Commission is amenable to permitting a Bed and Breakfast Inn without growth allocation if the structure existed prior to December 1, 1985, regardless of the use at that time. This is just an observation. No change or explanation is requested.
- 4) It appears that a provision for Game and Wildlife Preserves was mistakenly omitted. The last RCA use list discussed between the County and the Commission staff included language to ensure that clubhouses, sales, maintenance buildings and parking were located outside the RCA. Please clarify this omission.

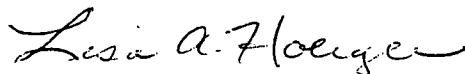
Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Gawel
Page Two
February 7, 2000

- 5) Changes to section 1A-105 pertain to the County's impervious surface limitations in the Critical Area. This section should include the language found in the Senate Bill 657. Commission staff can provide the County with this language for inclusion into the County's Bill to ensure the County's Ordinance is in compliance with the State Law.
- 6) On December 27, 1999, Mary Owens sent a letter to your attention requesting information regarding residue parcels, reserve parcels, reserve lots and outlots. Please forward the information in this letter. This information may help this office in providing better assistance and more information comments and recommendations in the future.

Thank you for your continued cooperation and coordination with the County's Critical Area Comprehensive Review process. Please telephone me if I can provide clarification or assistance to you.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

M. H. Jim Estepp, Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: Council Bill # 59-1999

Dear Mr. Estepp:

I am writing in regard to Council Bill #59-1999, passed by the County Council as changes to the County's Subdivision Regulations. Critical Area Commission Chairman John C. North, II has determined these changes to be a refinement to the County's Critical Area Program and has approved them with the concurrence of the Commission members. Section 8-1809 (p) (4) of the Critical Area Act require the County to incorporate these changes into its Critical Area Program within 120 days of the date of this letter.

Thank you for your cooperation with this matter. Please forward a copy of the revisions to this office when they become available. If you have any questions, please call me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: David L. Goode
Steve Gilbert
Samuel Wynkoop
Sherry Conway Appel
Richard Thompson
PG Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Tom Hamilton, Town Planner
Town of Easton
P. O. Box 520
Easton, Maryland 21601

Re: Easton Utilities Cable Television Headend Addition & Satellite Footers

Dear Mr. Hamilton:

At its meeting on February 2, 2000, the Chesapeake Bay Critical Area Commission unanimously approved the above-referenced project in the 100-foot Buffer to Tanyard Branch. Since a local agency was proposing development in a Habitat Protection Area in the Critical Area, this project required a Conditional Approval under COMAR 27.02.06. This conditional approval includes two conditions:

- 1) *The applicant shall resubmit any revision to the plan to the Commission for approval; and*
- 2) *The applicant will work with Commission staff regarding mitigation for all impacts that will result to the Buffer; and will coordinate follow-up site visits to monitor the survivability of the planting areas.*

Enclosed is the Planting Agreement to be completed by your office. Please return a copy of this agreement to this office within 30 days. If the Town requires assistance with any aspect of the proposed mitigation plan, please telephone me at (410) 260-7032.

Thank you and your staff for your cooperation with reviewing this project. As always, it is a pleasure working with the Town in implementing its Critical Area Program.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Lynn Thomas, Assistant Town Planner
Timothy Glass, Town Engineer

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Planting Agreement for State Projects

Local

Local Agency
Easton Utilities / Town of Easton

Project Number
EA

Agency Contact
Tom Hamilton / Timothy Glass

Phone Number

Commission Approval Date
February 2, 2000

CAC Planner
LAH

Project Name
Easton Utilities Cable Television Headend Addition & Satellite Footers

Project Location
Easton, MD @ intersection of MD Rt. 322 & Bay Street

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer*

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer
630 #

Mitigation Ratio for Disturbance/Clearing Within Buffer*
3:1 for dist. - no clearing

Mitigation Calculation Within Buffer
1890 #

15% Afforestation Requirement Met?

Total Mitigation Required
1890 #

Total Mitigation Provided
5100 #

Planting and Natural Regeneration Plan (attach additional sheets if necessary)
See attached plan

Planting Date	Year			
First Site Visit Date	First Site Visit By	Second Site Visit Date	Second Site Visit By	Mitigation Completed?

* see back for explanations Revised 4/28/99

1. Amount of Disturbance and Clearing

There are two ways to calculate the amount of disturbance in the Critical Area. Disturbance is based on either the area disturbed or number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with a multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in the *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e. scattered trees with little or no understory), it is recommended that you count the number of trees removed.

2. Plant Spacing and Mitigation Credits for Various Size Trees and Shrubs

Credit Square Feet	Plant Size	Plant Spacing
100 sq. ft.	1 tree (2-inch caliper)	10-foot center
400 sq. ft.	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) and understory vegetation (minimum: 2 small trees or 3 shrubs)	tree: 20-foot center understory: 10-foot center
50 sq. ft.	1 tree (seedlings)	7-foot center
50 sq. ft.	1 shrub	3 to 7-foot center

3. Mitigation Ratios

Choose from the following for the mitigation ratios:

Mitigation Ratio for Clearing Outside Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer

- Clearing of Forest/Woodlands up to 20% in Critical Area 1:1
- Clearing of Forest/Woodlands up to 30% in Critical Area 1.5:1
- Clearing of Forest/Woodlands over 30% in Critical Area 3:1
- Clearing Violation 3:1
- Other N/A

- New Development Redevelopment (non-BEA) 3:1
- New Development Redevelopment (BEA) 2:1
- Shore Erosion Control 1:1
- Public Shoreline Access 2:1
- Clearing Violation 3:1
- Other N/A

4. Planting Date

The Planting Date should be either the spring or fall season following the approval of the project by the Critical Area Commission.

5. Site Visits

Two site visits will be conducted over a period of two years by Critical Area Commission staff. The objective of the site visits is to verify that the mitigation has been carried out as approved (i.e. species, number of trees/shrubs, location).

Chesapeake Bay Critical Area Commission

STAFF REPORT

February 2, 2000

APPLICANT: Prince George's County

PROPOSAL: Refinement - Council Bill 59-1999
Amending County's Subdivision Regulations

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** Natural Resources Article § 8-1809 (p)

DISCUSSION:

The County Council has approved Bill 59-1999 which amends the County's Subdivision Regulations to allow certain transfers of land between family members and to public agencies outside the normal subdivision process in certain circumstances.

Bill 59-1999 is attached. On page three the proposed language to the Subdivision Regulations is highlighted. Prior to the adoption of this bill, subdivision was permitted without filing a plat as mentioned in subsection A provided subdivision occurred prior to October 30, 1989.

Subsection B and C are new additions to the County's Subdivision Regulations. Subsection B was added to provide for property owners whose parcel was both inside and outside the Critical Area, and where the intrafamily transfer of that parcel would be occurring outside the Critical Area portion of that parcel. Subsection B permits subdivision without filing a plat in these instances after October 30, 1989. Subsection C was requested by the Maryland National Capital Parks and Planning Commission as an addition to the legislation.

Since this text change is consistent with what is currently allowed in the Prince George's County Critical Area Program, Chairman North has determined this to be a refinement and seeks your concurrence.

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Bill No. CB-59-1999

Chapter No.

Proposed and Presented by Council Member Estepp

Introduced by Council Member Estepp

Co-Sponsors

Date of Introduction October 12, 1999

SUBDIVISION BILL

1 AN ACT concerning

2 Exemptions from Subdivision Requirements

3 For the purpose of amending Subtitle 24 to permit certain intra-family transfers of property
4 affecting the Chesapeake Bay Critical Area without filing a subdivision plat, and to amend the
5 provisions for transfer to government agencies.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-107,

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
12 Maryland, that Section 24-107 of the Prince George's County Code be and the same is hereby
13 repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 1. GENERAL PROVISIONS.

16 Subdivision 2. General Requirements.

17 Sec. 24-107. Jurisdiction.

18 * * * * *

19 (c) The following shall be exempt from the requirement of filing a subdivision plat, except
20 for any portion of land within a Chesapeake Bay Critical Area Overlay Zone unless otherwise
21 noted below:

1 (1) Partition through action of a court of competent jurisdiction unless or until
2 development of the land is proposed for any use other than single-family detached dwellings and
3 uses accessory thereto;

4 (2) The division of land and distribution, in kind, to the heirs upon the distribution of
5 an estate unless or until development of the land is proposed for any use other than one-family
6 detached dwellings and uses accessory thereto;

7 (3) A conveyance of one-half (1/2) acre or more to a son or daughter or lineal
8 descendant or antecedent of the grantor from a tract retaining five (5) or more acres, provided
9 that any lot so created shall be used solely for a one-family detached dwelling and uses accessory
10 thereto and is in compliance with the provisions of the Zoning Ordinance as described in Section
11 24-107(d);

12 (4) A conveyance to a public utility for transmission line purposes;

13 (5) A conveyance to a governmental agency for public use;

14 (6) A conveyance of property used exclusively for agricultural purposes which, at the
15 time of conveyance, is assessed as agricultural land;

16 (7) Any subdivision of land by deed of a lot prior to January 1, 1982, provided:

17 (A) The proposed use is for a single-family detached dwelling and uses
18 accessory thereto; or

19 (B) The total development proposed for the subdivision does not exceed five
20 thousand (5,000) square feet of gross floor area; or

21 (C) The development proposed is in addition to a development in existence prior
22 to January 1, 1990, and does not exceed five thousand (5,000) square feet of gross floor area; or

23 (D) The development of more than five thousand (5,000) square feet of gross
24 floor area, which constitutes at least ten percent (10%) of the total area of the site, has been
25 constructed pursuant to a building permit issued on or before December 31, 1991[.]; or

26 (E) The proposed use is for an addition to an existing school facility for which
27 no increase in existing enrollment is proposed.

28 (8) A resubdivision to correct a drafting or engineering error for property which is not
29 the subject of a record plat;

1 (9) The sale or exchange of land between adjoining property owners to adjust
2 common boundary lines, provided that no additional lots are created, for property which is not
3 the subject of a record plat;

4 (10) A conveyance resulting from foreclosure proceedings or trustees' sales pursuant to
5 a deed of trust or mortgage, deeds in lieu of foreclosure, trustees' deeds and final decrees of
6 foreclosure. For purposes of this Subtitle, the execution and/or recordation of a deed of trust or
7 mortgage shall not constitute a conveyance of property.

8 (11) In the Chesapeake Bay Critical Area Overlay Zone, the filing of a subdivision plat
9 shall not be required if the land was subdivided [subject to any of the provisions set forth]:

10 (A) By any method in paragraphs 1 through 10, above, prior to October 30, 1989.

11 (B) By the method in paragraph (3), provided that the land to be conveyed lies
12 outside the Critical Area Overlay Zone.

13 (C) By the method in paragraph (5), provided that the conveyance restricts use of
14 the land to public uses in perpetuity.

15 * * * * *

16 SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect 30 calendar days
17 after the date of its adoption, or when approved by the Chesapeake Bay Critical Area
18 Commission, whichever later occurs.

Chesapeake Bay Critical Area Commission

STAFF REPORT February 2, 2000

APPLICANT: Town of Easton

PROPOSAL: Easton Utilities Cable Television Headend Addition

COMMISSION ACTION: Vote

STAFF RECOMMENDATION: Approval with conditions

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR 27.02.06 Conditional Approval of State or Local Agency Programs in the Critical Area

DISCUSSION:

Easton Utilities is seeking approval to build an addition to an existing Cable Headend Facility located on Bay Street in Easton, Maryland. The project is located along Tanyard Branch and is owned by the Town of Easton. It is located within an Intensely Developed Area (IDA). The site is the only location that can be utilized for the purpose of intercepting satellite transmissions as well as decoding, unscrambling and retransmitting the signals for cable television broadcasting. Since the proposed addition will impact the 100-foot Buffer to a perennial stream, this project requires a Conditional Approval by the Commission as found in Chapter 2 of the Critical Area Commission's regulations for State and local government development.

Staff met with representatives from the Town on the project site on January 7. A gravel road leads from Bay Street to the site. The existing building is approximately 20 x 20 feet. To the west of the existing building is a gravel area that supports several satellite dishes and a tower. To the east of the existing building is the site proposed for the addition. The proposed addition is a 20 x 40-foot brick structure. The majority of this addition will be built upon an existing gravel driveway. No clearing will result for the construction. Minimal grading is required since the site is very flat. Total disturbance to the site is 2,820 square feet. Also requested for approval are two sets of concrete footers that will support two satellite dishes. They also are within the 100-foot Buffer and are existing in the gravel area to the west of the existing building.

Since the site is located in an IDA, the applicant is required to demonstrate that a 10% reduction in pollutants leaving the site is achieved. Staff reviewed the 10% calculations performed by the Town and the result is that no additional pollution removal is required.

A letter from the Department of Natural Resources Heritage and Biodiversity Division indicates that no rare, threatened or endangered species are present on this site. The applicant has obtained the necessary permits from the Talbot Soil Conservation District, a Sediment and Erosion Control Permit, and the Waterway Construction permit from the Maryland Department of the Environment.

Conditional Approval Process

In order to qualify for consideration by the Commission for conditional approval, the proposing local agency must show that the project or program has the following characteristics:

(1) That there exist special features of a site or there are other special circumstances such that the literal enforcement of these regulations would prevent a project or program from being implemented;

There exists both special features and special circumstances on this site that preclude the Town of Easton from siting the proposed building addition outside the Buffer. The impacts to the Buffer are proposed in order to expand an existing Headend Cable Building that provides continued operation of the Easton Utilities Cable Television System. Alternative locations were explored as well as alternative designs, however the Town determined that this site is the only feasible location for expansion of these operations. The current site already provides Easton Utilities with clear satellite reception because of its location. Also, the existing equipment and operations are located on this site. The design of the building takes into consideration the projected space needs to the operations and other site setbacks. The alternative designs were determined not suitable for purposes of providing acceptable service.

Special circumstances include the relatively small project area that is almost entirely within the 100-foot Buffer.

(2) That the project or program otherwise provides substantial public benefits to the Chesapeake Bay Critical Area Program;

The applicant will provide all downspouts to divert stormwater runoff away from Tanyard Branch and towards Bay Street. Plantings on the south side of the building will also be provided for both aesthetic purposes and further absorption of runoff.

(3) That the project or program is otherwise in conformance with this subtitle.

Except for the proposed disturbance to the Buffer, the project is otherwise in conformance with the state criteria and the Town's Critical Area Program. Town staff have provided a thorough

review of the project, and Critical Area staff have consulted with the Town and the Town Engineer and conducted a site investigation to ensure this project is otherwise consistent with COMAR 27.02.06.

The Commission must find that the conditional approval request contains the following:

(1) That a literal enforcement of the provision of this subtitle would prevent the conduct of an authorized State or local agency program or project;

A literal enforcement would prevent the Easton Utility Company from providing cable television service which provides public benefits.

(2) There is a process by which the program or project could be so conducted as to conform, insofar as possible, with the approved local Critical Area program or, if the development is to occur on State-owned lands, with the criteria set forth in COMAR 27.02.05; and

The Town determined the project to be consistent with the local Critical Area program. The newly proposed impacts in the Buffer are not consistent with the Town of Easton's Program; however, all disturbance to the 100-foot Buffer will be minimized and the proposed plantings will result in improved habitat value and water quality leaving the site.

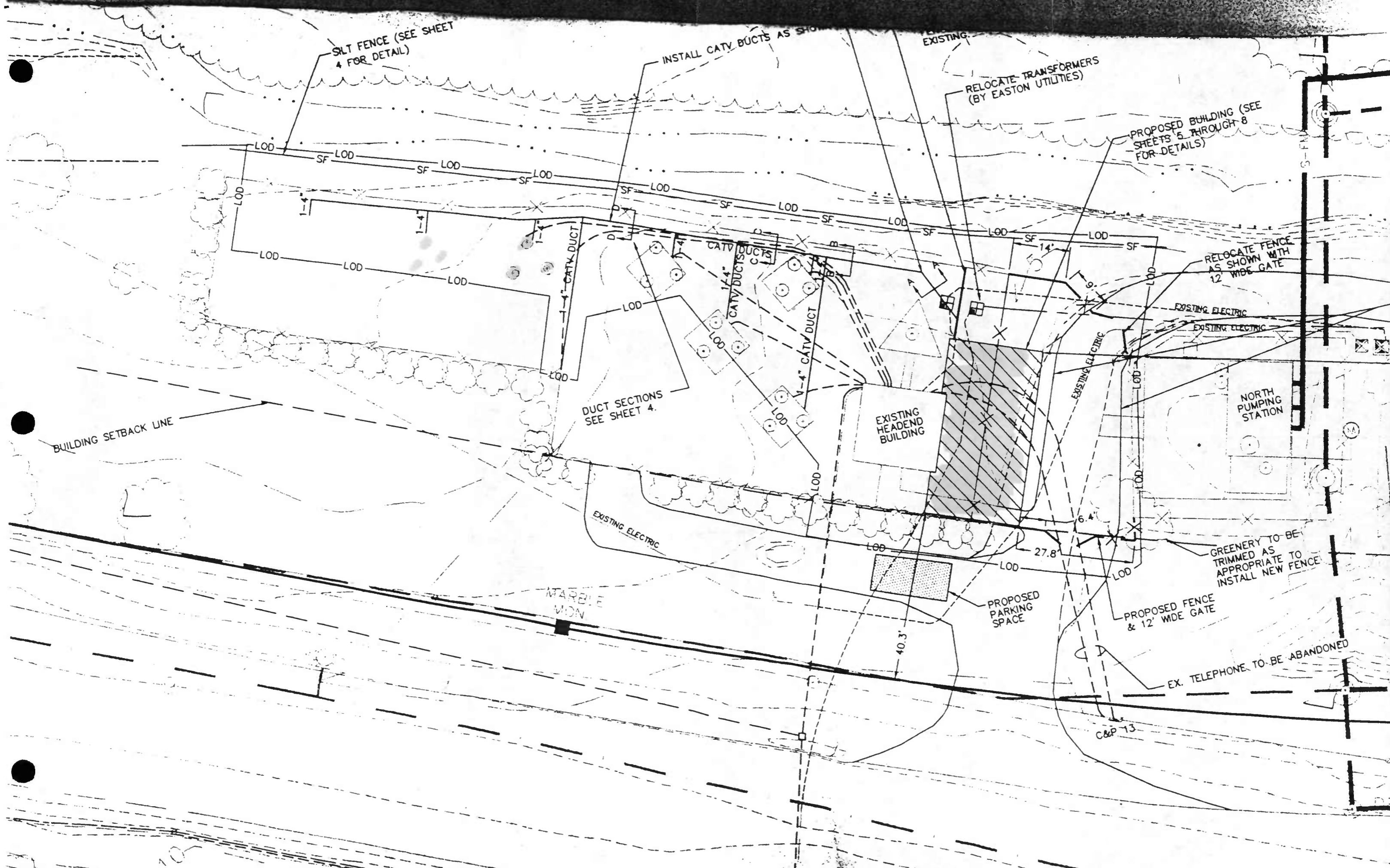
(3) Measures proposed to mitigate any adverse effects of the project or program on an approved local Critical Area program or, if on State-owned lands, on the criteria set forth in COMAR 27.02.05.

The proposed plantings will result in increased water quality benefits and improved habitat protection.

Along with the conditions listed below, the conditional approval request is consistent with COMAR 27.02.06, the Commission's regulations for Conditional Approval of State or Local Agency Programs in the Critical Area.

Conditions:

- 1) The applicant shall resubmit any revisions to the plan to the Commission for approval; and***
- 2) The applicant will work with Commission staff regarding mitigation for all impacts that will result to the Buffer, and will coordinate follow-up site visits to monitor the survivability of the planting areas.***



SILT FENCE (SEE SHEET 4 FOR DETAIL)

INSTALL CATV DUCTS AS SHOWN

RELOCATE TRANSFORMERS (BY EASTON UTILITIES)

PROPOSED BUILDING (SEE SHEETS 5 THROUGH 8 FOR DETAILS)

RELOCATE FENCE AS SHOWN WITH 12' WIDE GATE

DUCT SECTIONS SEE SHEET 4.

EXISTING HEADEND BUILDING

NORTH PUMPING STATION

BUILDING SETBACK LINE

EXISTING ELECTRIC

EXISTING ELECTRIC

GREENERY TO BE TRIMMED AS APPROPRIATE TO INSTALL NEW FENCE

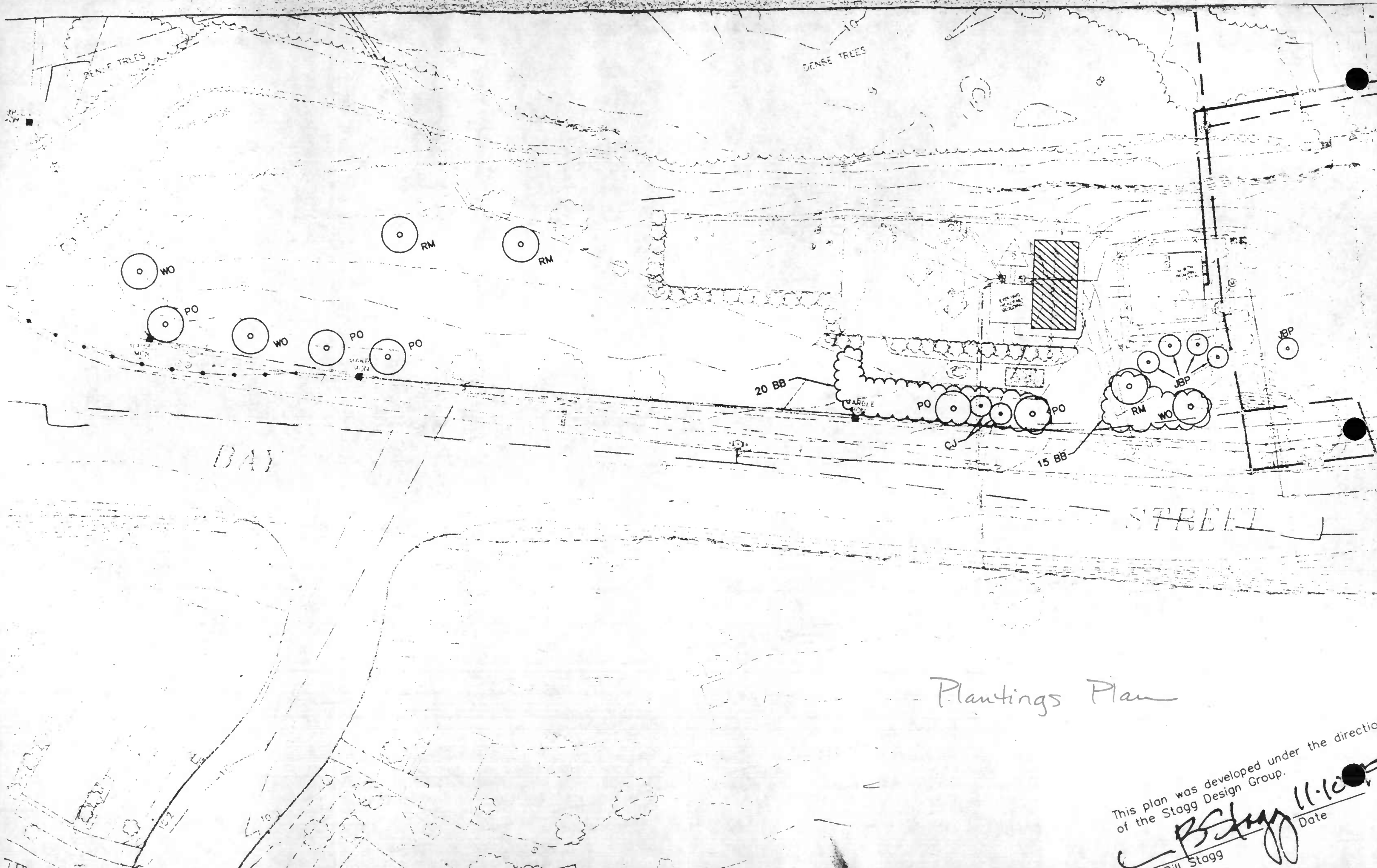
PROPOSED PARKING SPACE

PROPOSED FENCE & 12' WIDE GATE

EX. TELEPHONE TO BE ABANDONED

MARBLE MIDN

C&P 13



Plantings Plan

This plan was developed under the direction
of the Stagg Design Group.

Bill Stagg 11-10-57
Date



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 1, 2000

Linda Mott
Environmental Design Division
State Highway Administration
707 N. Calvert Street
P.O. Box 717
Baltimore, Maryland 21203-0717

Re: MD Rt. 2 Widening - Virginia Avenue to South of Pike Ridge Road
Mitigation Plans

Dear Ms. Mott:

Thank you for your assistance with the MD Rt. 2 Widening Project which received approval by the Chesapeake Bay Critical Area Commission on December 1, 1999. As part of the Commission's approval, State Highway Administration was requested to locate an alternative site in the Critical Area for 1.32 acres of clearing. The condition required that the status of the location and funding availability be reported to the Commission within one year.

I have enclosed the Planting Agreement for State Projects to be completed for the mitigation that can occur on the project site. Please return the Planting Agreement for State Projects to this office by March 1, 2000. We can complete a separate form for the 1.32 acres when that site is selected and the funding becomes available. If you need assistance with this form or if I can be of assistance in helping you in search for an acceptable mitigation site for the 1.32 acres, please contact me at (410) 260-7032.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Heidi Van Luven, DOT
Anne Elrays, SHA
Regina Esslinger, CBCAC

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Planting Agreement for State Projects

State Agency

DOT / SHA

Project Number

DOT-SHA 31-99

Agency Contact

Anne Elrays / Linda Mott

Phone Number

(410) 545-8562

Commission Approval Date

December 1, 1999

CAC Planner

L. Hoeryer

Project Name

MD Rt. 2 Widening

Project Location

Anne Arundel County

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer*

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer*

Mitigation Calculation Within Buffer

15% Afforestation Requirement Met?

N/A

Total Mitigation Required

N/A

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

Planting Date

Year

First Site Visit Date

First Site Visit By

Second Site Visit Date

Second Site Visit By

Mitigation Completed?

* see back for explanations

Revised 4/28/99

1. Amount of Disturbance and Clearing

There are two ways to calculate the amount of disturbance in the Critical Area. Disturbance is based on either the area disturbed or the number of individual trees that will be cut. It is recommended that when an area to be disturbed more closely resembles a natural forest (i.e. canopy cover with a multi-layer understory) or when structures or other impervious surfaces are placed within the Buffer or a BEA, even if no trees are cleared, you should quantify the disturbance amount in the *area cleared*. On the other hand, if your site more closely resembles a park setting (i.e. scattered trees with little or no understory), it is recommended that you count the *number of trees removed*.

2. Plant Spacings and Mitigation Credits for Various Size Trees and Shrubs*

Credit Square Feet	Plant Size	Plant Spacing
100 sq. ft.	1 tree (2-inch caliper)	10-foot center
400 sq. ft.	1 tree (minimum: 2-inch caliper and either balled and burlapped or container grown) <u>and</u> understory vegetation (minimum: 2 small trees or 3 shrubs)	tree: 20-foot center understory: 10-foot center
50 sq. ft.	1 tree (seedlings)	7-foot center
50 sq. ft.	1 shrub	3 to 7-foot center

* The Critical Area Commission recognizes natural regeneration as a method for mitigation on appropriate sites. This will be determined on a case by case basis. All plantings will require protective measures to ensure that these areas remain planted in perpetuity.

3. Mitigation Ratios

Choose from the following for the mitigation ratios:

Mitigation Ratio for Clearing Outside Buffer

Clearing of Forest/Woodlands up to 20% in Critical Area 1:1
 Clearing of Forest/Woodlands up to 30% in Critical Area 1.5:1
 Clearing of Forest/Woodlands over 30% in Critical Area 3:1
 Clearing Violation 3:1
 Other
 N/A

Mitigation Ratio for Disturbance/Clearing Within Buffer

New Development / Redevelopment (non-BEA) 3:1
 New Development / Redevelopment (BEA) 2:1
 Shore Erosion Control 1:1
 Public Shoreline Access 2:1
 Clearing Violation 3:1
 Other
 N/A

4. Planting Date

The Planting Date should be either the spring or fall season following the approval of the project by the Critical Area Commission.

5. Site Visits

Two site visits will be conducted over a period of two years by Critical Area Commission staff. The objective of the site visits is to verify that the mitigation has been carried out as approved (i.e. species, number of trees/shrubs, location).



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 21, 2000

Mr. Scott Burroughs
Potomac Crossing Consultants
1800 Duke Street, Suite 200
Alexandria, VA 22314

Dear Mr. Burroughs:

At your request, I am providing you with the information for reforestation that will be required of the Maryland State Highway Administration (SHA) for the Woodrow Wilson Bridge Project, including the associated park development of Rosalie Island. While this office has not seen any detailed plans of the park development, you have informed us that the projected forest mitigation will be approximately 75 acres. The Woodrow Wilson Bridge Project will be the first state project the Commission will review that requires a large mitigation component compared with past state projects reviewed by the Commission.

In order to maintain consistency between the reforestation requirements local jurisdictions apply to private property owners, the Commission uses the same general guidelines for reforestation for state agency projects. The criteria applicable to State-owned lands when altering forest and developed woodlands, and the mitigation ratio for clearing in the Critical Area, outside of a Habitat Protection Area (HPA), can be found in the Code of Maryland Regulations (COMAR) 27.02.05.03(B)(3)(d). The criteria state the following:

Total acreage on State-owned lands in that jurisdiction shall by maintained or increased. Clearing shall be replaced on not less than an equal area basis.

The mitigation ratios are as follows:

Clearing under 20%	1:1 replacement ratio for entire cleared area
Clearing between 20%-30%	1.5:1 replacement ratio for entire cleared area
Clearing over 30%	3:1 replacement ratio for entire cleared area

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Mr. Burroughs
Page Two
January 21, 2000

When an applicant or a state agency is proposing development in the Critical Area that will require clearing, mitigation is accomplished through on site or off site mitigation through planting. In the case of state projects, the Commission has not accepted direct payment of a fee-in-lieu as an acceptable method for reforestation. State agencies have been required to provide reforestation either on site or off site for all reforestation. The same is required of the Woodrow Wilson Bridge Project. During our telephone conversation yesterday, I provided you with three contacts to help expedite your site search. I will continue to provide you and SHA with possible contacts or sites in order to help SHA meet its reforestation requirements for this project.

In regard to the off-site option, the order of preference is the following:

- 1) Reforest within the same watershed in the same jurisdiction within the Critical Area
- 2) Reforest within the Critical Area within the same jurisdiction
- 3) Reforest within the Critical Area
- 4) Reforest outside the Critical Area but on a site that is connected to a Critical Area resource.

When a State agency is proposing to clear vegetation within the minimum 100-foot Buffer or any other Habitat Protection Area (found in COMAR 27.02.05.09-.13) mitigation is also required. Mitigation for clearing in the minimum 100-foot Buffer is as follows:

Development	3:1
Access	2:1
Shore erosion	1:1

When there is disturbance in the Buffer the agency is requested to mitigate in the following order of preference:

- 1) Replant within the Buffer at an on site location
- 2) Replant within the Buffer at an off site location

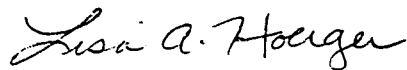
While the mitigation ratios used for clearing outside of HPAs is set out in COMAR, the mitigation for Buffer impacts are not. The Commission has formulated and consistently applied the above mitigation ratios to the Buffer. These ratios are generally accepted and applied in all local jurisdictions within the Critical Area, and have been strictly applied by the Commission to all State agency projects requesting Commission approval. Enclosed is the form used as the Planting Agreement between the Commission and the agency proposing clearing and reforestation. This form was approved by the Commission for use and includes the aforementioned mitigation ratios and credits.

Mr. Burroughs
Page Two
January 21, 2000

You inquired as to whether SHA can mitigate forested areas outside of HPAs at a 1:1 ratio. The Criteria do not offer that flexibility when the actual forest area cleared is greater than 20%. We are more than willing to assist you in locating alternative planting sites if necessary and designing mitigation plans.

If you have further questions, please do not hesitate to contact me at (410) 260-7032.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Enclosure

cc: Ms. Heidi VanLuven, Commissioner for MDOT
Mr. Samuel Wynkoop, Commissioner for Prince George's County
Ms. Sherry Conway Appel, Prince George's County, DER

Planting Agreement for State Projects

State Agency

Project Number

Agency Contact

Phone Number

Commission Approval Date

CAC Planner

Project Name

Project Location

Square Feet Cleared Outside 100ft Buffer

Mitigation Ratio for Clearing Outside Buffer*

Mitigation Calculation Outside Buffer

Square Feet Disturbed/Cleared Within 100ft Buffer

Mitigation Ratio for Disturbance/Clearing Within Buffer*

Mitigation Calculation Within Buffer

15% Afforestation Requirement Met?

Total Mitigation Required

Planting and Natural Regeneration Plan (attach additional sheets if necessary)

Planting Date

Year

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First Site Visit By

Second Site Visit Date

Second Site Visit By

Mitigation Completed?

* see back for explanations

Revised 4/28/99

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 21, 2000

Federal Highway Administration
Attn: John Gerner
Woodrow Wilson Bridge Center
1800 Duke Street, Suite 200
Alexandria, Virginia 22314

Re: Joint Public Notice - Woodrow Wilson Bridge Project
1-95/I-495 From East of Maryland Route 210 to West of Telegraph Road in Virginia

Dear Mr. Gerner:

This office has received the above-referenced public notice for review and comment. We offer this letter for the official public record. The majority of the environmental impacts associated with this project are within the State of Maryland inside the Chesapeake Bay Critical Area. The Critical Area is defined by the Natural Resources Article §8-1807 as:

- (1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 9 of this article; and
- (2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 9 of this article.

Since the portion of the Woodrow Wilson Bridge project in Maryland will be located on State-owned lands, the Chesapeake Bay Critical Area Commission is responsible for reviewing and voting on projects for approval for all proposed development activities. This office has been, and continues to be routinely updated and consulted by the Potomac Crossing Consultants and the Maryland State Highway Administration concerning the planning and proposed mitigation for this project.

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(410) 822-9047 Fax: (410) 820-5093

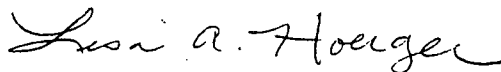
TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Gerner
Page Two
January 21, 2000

This office has provided guidance and assistance to the aforementioned agencies in regard to the mitigation package proposed in the Draft Environmental Impact Statement for all development activities that will impact Habitat Protection Areas as described in the Code of Maryland Regulations 27.02.05.09. We will continue to work with the Potomac Crossing Consultants, and federal and State agencies on these and other issues that affect Critical Area resources.

Thank you for the opportunity to comment. Please include this letter as part of the official public comment.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 21, 2000

Ms. Lori Allen
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6303
Annapolis, Maryland 21401

Re: Carrollton Manor, Lots 1, 1A + 2, Revised
Bluff Point, Lot 21 Revised

Dear Ms. Allen:

I have received the above-referenced request to reconfigure two existing lots in the Critical Area. This office has no comment regarding the proposed configuration. As always, the County shall ensure all Critical Area requirements are met when proposed lot 21A is developed.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 20-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

January 18, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

Re: Gary A. Curtis
BA 89-99V

Dear Ms. Morgan:

This letter serves to clarify the Critical Area Commission's position concerning the above-referenced case. Earlier today the Commission's Science Advisor, Claudia Jones, accompanied you, the applicant and his environmental consultant to the site. The applicant requests a variance to the County's expanded Buffer requirements (the Buffer has been expanded for hydric soils). Following today's site visit, it is our opinion that based on the site conditions, the expansion of the 100-foot Buffer is not necessary in this case and a variance is not required to locate a dwelling landward of the minimum 100-foot Buffer.

Although the site exhibits areas of hydric soils, the hydric soils are not functioning as they would in a wetland situation. The site proposed for the new lot is partially existing macadam or has at least ten inches of fill material. Since expansion of the 100-foot Buffer varies, I will attempt to explain its application in this case. The Anne Arundel County Code in Article 28, Section 1A-104 (a) (1) states:

(1) there shall be a minimum 100-foot buffer landward from the mean high-water line of tidal waters, tributary streams, and tidal wetlands. The buffer shall be expanded beyond 100 feet to include contiguous, sensitive areas such as steep slopes and hydric soils or highly erodible soils whose development or disturbance may impact streams, wetlands, or other aquatic environments. If there are contiguous slopes of 15% or greater, the buffer shall be expanded four feet for every 1% of slope or to the top of the slope, whichever is greater, and shall include all land within 50 feet of the top of the bank of steep slopes. There shall be a minimum 25-foot buffer surrounding all nontidal wetlands;

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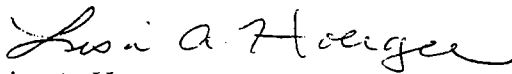
Ms. Morgan
Page Two
January 18, 2000

This language is the exact language found in the Critical Area Criteria at Code of Maryland Regulations (COMAR) 27.01.09.01 (7). Expansion for steep slopes is automatic, while expansion for hydric soils or highly erodible soils is dependent on whether the proposed development or disturbance may impact streams, wetlands, or other aquatic environments.

If the County still maintains that the Buffer must be expanded for hydric soils, and therefore that a variance is required, this office will not oppose the variance; however, we recommend that the applicant remove those portions of macadam and gravel in the 100-foot Buffer, remove the existing shed, and restore the area of the 100-foot Buffer with native Buffer plantings.

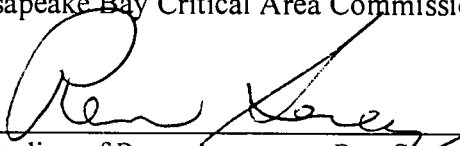
Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for appeal. Please notify the Commission of the decision made in this case.

Sincerely,



Lisa A. Hoerger
Natural Resources Planner

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, I hereby certify that I am the custodian of the above letter, and that this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.



Custodian of Record Ren Serey
Executive Director

cc: AA 255-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 14, 2000

Ms. Penny Chalkley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6302
Annapolis, Maryland 21401

Re: Garrigus Property
S 97-028, P 97-061

Dear Ms. Chalkley:

I have received the resubmittal of the sketch plan for the above-referenced project. It appears the applicant meets all necessary Critical Area requirements of the County's Critical Area program. I have discussed the proposed method of handling stormwater through "land management" as proposed by the engineering division. We recommend a plat note be added to plan before final approvals are issued. The note should alert future homeowners to this stormwater management technique so that any proposed, future clearings will be reviewed by the County to ensure the wooded areas treating the stormwater leaving the site are not negatively impacted.

Additional plat notes should reference the maximum allowable impervious surfaces for each lot. It is still not clear whether the 20-foot access easement is accounted for in the impervious surface and clearing calculations. If parcel 515 requires future access via this easement, is there sufficient area for additional impervious surface and clearing?

Thank you for the opportunity to comment. Please telephone me if you have questions at (410) 260-7516.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: AA 355-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 7, 2000

Mr. Daniel R. Cowee
Planning Officer
Office of Planning & Zoning
Courthouse
Easton, Maryland 21601-3178

Re: Bill No. 741- Reasonable Accommodation for Disabled Citizens

Dear Mr. Cowee:

At its meeting on January 5, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that Bill No. 741 is a refinement to the Talbot County Critical Area Program and the refinement was approved.

The County is required to finalize these changes in the Zoning Ordinance within 120 days of this notice. Please forward a copy of the revisions to this office. If you have any questions, please call me at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: TC Refinement File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

January 6, 2000

M. H. Jim Estepp, Chairman
Prince George's County Council
County Administration Building
Upper Marlboro, Maryland 20772

Re: Council Bill # 59-1999

Dear Mr. Estepp:

The Critical Area Commission received CB-59-1999 approved by the County Council which allows certain transfers of land in or near the Critical Area without subdivision approval from the Planning Board. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty days of the date of this letter. I will notify you subsequent to his decision.

Sincerely,

Lisa A. Hoerger
Natural Resources Planner

cc: David L. Goode
Steve Gilbert
Samuel Wynkoop
Sherry Conway Appel
Jim Stasz

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 6, 2000

Ms. Karen Coffman
State Highway Administration
707 North Calvert Street
P.O. Box 717
Baltimore, Maryland 21202

Re: MD 33 over Knapps Narrows
Bioretention Area

Dear Ms. Coffman:

After reviewing the staff report and minutes of the June 7, 1995 meeting of the Chesapeake Bay Critical Area Commission, it appears the bioretention areas at this site were installed by the State Highway Administration as an additional measure to treat runoff from MD 33. The bioretention areas were not required for project approval, therefore their removal does not affect the approval status of the project.

Please telephone me if you have further questions or need additional information at (410) 260-7032.

Sincerely,

A handwritten signature in cursive script that reads "Lisa A. Hoerger".

Lisa A. Hoerger
Natural Resources Planner

cc: SHA File

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Chesapeake Bay Critical Area Commission

STAFF REPORT

January 5, 2000

APPLICANT: Talbot County

PROPOSAL: Refinement - Talbot County Council Bill # 741. Provide for Reasonable Accommodation for Disabled Citizens

COMMISSION ACTION: Concurrence

STAFF: Lisa Hoerger

**APPLICABLE LAW/
REGULATIONS:** COMAR §8-1809 (p)

DISCUSSION:

The Talbot County Council recently passed Bill # 741 (attached) amending section 19.14(b)(7) of the Talbot County Zoning Ordinance. Bill #741 allows the Board of Appeals to make reasonable accommodation for disabled citizens, to establish criteria for doing so, and for limiting the environmental impact of any such accommodation in the Critical Area. Last March, Bill # 701 was proposed to the Commission as an amendment to the Talbot County Critical Area Program. However, the Commission did not approve the Bill since it appeared to require Talbot County to issue approvals that were not consistent with the Critical Area Criteria. Concerns with Bill # 701 included lack of definitions, general clarity, and compliance with the Criteria.

Bill #741 replaces Bill # 701. Bill #741 requires the applicant to meet the definition of a disability as defined in the American with Disabilities Act (ADA). It also provides standards that an applicant must meet in order to obtain reasonable accommodation. The Board of Appeals must take into consideration the purpose of the request and the size, location and nature of the accommodation proposed. Also, the Board must ensure that the accommodation is environmentally neutral and that only the minimum environmental change to address the needs of the disability may be permitted. The Board may condition its approval requiring the accommodation be removed when it is no longer needed.

Since this text change will have no effect on the use of land or water in the Critical Area, and it otherwise consistent with the Talbot County Critical Area Program, Chairman North has determined this to be a refinement and seeks your concurrence.

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

1999 Legislative Session, Legislative Day No. November 9, 1999

Bill No. 741

Introduced by: County Council

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

By the Council November 9, 1999

Introduced, read first time, ordered posted and public hearing scheduled on
Tuesday, November 23, 1999, at 2:15 p.m. in the Council
Hearing Room, Courthouse, Easton, Maryland.

By Order Jessica Momz
Secretary

A BILL TO REPEAL AND RE-ENACT SECTION 19.14(b)(7), TITLE 19. ZONING, OF THE TALBOT COUNTY CODE, WITH AMENDMENTS TO ALLOW THE BOARD OF APPEALS TO MAKE REASONABLE ACCOMMODATION FOR DISABLED CITIZENS, TO ESTABLISH CRITERIA FOR DOING SO, AND FOR LIMITING THE ENVIRONMENTAL IMPACT OF ANY SUCH ACCOMMODATION IN THE CRITICAL AREA.

SECTION ONE: BE IT ENACTED by the County Council of Talbot County that Section 19.14(b)(7), Title 19. Zoning, of the Talbot County Code entitled "Reasonable Accommodation" shall be and is hereby repealed in its entirety and re-enacted as set forth herein.

(7) Reasonable Accommodation for the Needs of Disabled Citizens

(i) Purpose. Notwithstanding any other provision of this Ordinance, the Board of Appeals may make reasonable accommodations for the benefit of disabled citizens in the consideration of any final order or decision of the Planning Officer or any administrative appeal, special exception or variance. Reasonable accommodation for the needs of disabled citizens may be permitted in accordance with the evidentiary requirements set forth in paragraph (ii) of this Section. Reasonable accommodations may only be approved following a review and recommendation by the Planning Commission, and final approval and authorization after a public hearing before the Board of Appeals.

(ii) An applicant/appellant shall have the burden of demonstrating by a preponderance of the evidence that:

[a] The existence of a disability within the meaning of the Americans with Disabilities Act;

[b] Literal enforcement of the statute, ordinance, regulation, or other requirement would (1) result in discrimination by virtue of such disability or (2) deprive the applicant/appellant of the reasonable use and enjoyment of the property;

[c] A reasonable accommodation would reduce or eliminate the discriminatory effect of the statute, ordinance, regulation, or other requirement or restore the applicant/appellant's reasonable use or enjoyment of the property;

[d] The accommodation requested will not substantially impair the purpose, intent, or effect of the statute, ordinance, regulation or other requirement as applied to the property;

If the property is located in the critical area, the accommodation would:

[e] Be environmentally neutral with no greater negative impact on the environment than the literal enforcement of the statute, ordinance, regulation or other requirement; or

[f] Allow only the minimum environmental changes necessary to address the needs resulting from the particular disability of the applicant/appellant.

- (iii) The Board of Appeals shall determine the nature and scope of any accommodation under this section and may award different or other relief than requested after giving due regard to:
 - [a] The purpose, intent, or effect of any applicable statute, regulation, or ordinance;
 - [b] The size, location, nature, and type of accommodation proposed and whether alternatives exist which accommodate the need with less adverse effect.
- (iv) Upon termination of the need for any accommodation, the Board of Appeals may require, as a condition of approval, that the property be restored to comply with all applicable statutes, ordinances, regulations, or other requirements.
- (v) Hearing Notice. Public notice of all applications and hearings shall be given in accordance with Section 19.14(h).
- (vi) Site Visit. A majority of the members of the Board of Appeals shall be required to visit the site before conducting the public hearing. However, the decision shall be based upon the evidence of record.
- (vii) Recommendation of the Planning Commission. Before making a decision on any application or appeal, the Board of Appeals shall obtain the recommendation of the Planning Commission. The Planning Commission's recommendation shall address the criteria in paragraph (ii) in this Section. The recommendation shall be considered by the Board of Appeals, shall become part of the record, but shall not be binding on the Board of Appeals. The Board may request from the Planning Commission such technical service, data, or factual information as may further assist the Board of Appeals in reaching a decision.
- (viii) New application after denial. Following the denial of a request for a reasonable accommodation, no application for the same use on the same premises shall be filed within one (1) year from the date of denial, except on grounds of newly discovered evidence.

SECTION TWO: BE IT FURTHER ENACTED by the County Council of Talbot County that Section 19.14(b) Power of Board of Appeals, Title 19. Zoning, of the Talbot County Code, is amended by changing subsection (6) to subsection (7) and subsection (7) to subsection (6).

SECTION THREE: BE IT FURTHER ENACTED by the County Council of Talbot County that this Bill shall take effect sixty (60) calendar days from the date of its passage.

Staff Correspondence Reader File #1: Lee Anne 2000

51832 - 145 - 4



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0214-V, Maryann Redford

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with disturbance to steep slopes. The property is designated LDA, Buffer Exempt and is currently developed with a single family dwelling.

Because the proposed addition appears to be a reasonable expansion of living space that extends no further waterward than the existing improvements and because measures to limit impacts to steep slopes are included in the proposal, this office does not oppose the variance requested. Strict sediment and erosion control measures should be provided during construction and until the area is re-stabilized. Mitigation should be provided for the new impervious surfaces on this Buffer Exempt lot in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA319-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 7, 2000

Ms. Tracey Greene
Maryland Office of Planning
201 Baptist St.
Box 24
Salisbury, Maryland 21801

RE: Town of Snow Hill Sewer System Rehabilitation Project

Dear Ms. Greene:

Thank you for providing the consistency report for the above referenced project. It appears that severe environmental consequences could occur if the existing sewer system is not repaired. The report describes the various recommended repairs to the sewer system, including abandoning sewer lines which run along the Pocomoke River. Commission staff agrees that the 10% pollutant reduction rule should not be required for this project, not because it should be exempt because it does not increase imperviousness, but rather because it is more of a repair project than "redevelopment." Provided that appropriate sediment and erosion control measures will be used during construction and provided that any vegetated areas disturbed be restored, it appears that the proposed project will be consistent with the Town's Critical Area Program.

If you have any questions or would like to discuss this matter further, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Al Cohen
SN260-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 7, 2000

Mr. Rick Dwyer
Salisbury-Wicomico County Department of
Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803-0870

RE: River Woods Growth Allocation request

Dear Mr. Dwyer:

At its meeting on July 5, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the River Woods Growth Allocation qualifies as a refinement to the Wicomico County Critical Area Program. Chairman North has approved this refinement to the County's Program with the following conditions:

1. *A note will be provided on the final plat which provides information on the required forest mitigation including total acreage and location of the mitigation plantings.*
2. *A note will be provided on the final plat which clearly identifies the lots affected by the 100-foot Buffer and alerts potential property owners of the prohibition of any disturbance within the Buffer.*
3. *The subdivision will be redesigned such that all development activity (including the wells for lots 11 and 12) will be relocated outside of the Buffer.*

A total of 19.03 acres of growth allocation will be deducted from the County's reserve.

Please keep me informed of progress made in redesigning this subdivision. Also, please provide me with two (2) copies of the final subdivision plat which address the conditions listed above before it is recorded. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: WI404-97
Wicomico amendment file

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0224-V, Douglas Musser


Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a water well with less Buffer than required. The property is designated LDA and is currently undeveloped.

Based on the information provided and the distance requirements for wells (30 feet from house, 50 feet from sewer line) it appears that there is no alternative location for the well outside of the Buffer. Therefore, this office does not oppose the variance requested. The area of temporary disturbance should be restored immediately after drilling of the well, with no further disturbance to the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA324-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0221-V, Theodore Naydan

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be impacted and because total impervious surfaces will decrease, this office has no comment on this setback variance. The area where impervious surfaces are removed should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA322-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0222-V, Carl Oldenburg

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a townhouse.

The proposed deck is of reasonable size and similar to others proposed within this townhouse development. This office does not oppose the variance requested. Mitigation should be provided at a 3:1 ratio for disturbance within the Buffer. The Buffer should be a priority location for the plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA323-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0218, Scott Bateman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently being developed with a single family dwelling.

An attached deck is a reasonable use, however we would like to bring an issue to your attention. When properties are initially developed, the dwelling is often placed at the Buffer line or at the top of steep slopes. Plans include sliding doors but do not show a deck or any type of structure outside of the doors. Construction of a deck requires a variance. If included on the original plan, the house and deck could often be sited outside of the Buffer. It may be helpful to alert property owners to the restrictions and encourage them to include decks on their original plan. Given that this property is entirely within the expanded Buffer and provided that there is no additional disturbance or clearing associated with the decks, this office does not oppose the variance requested. Mitigation for disturbance should be required in accordance with the conditions placed on the previously approved variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA321-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-3460 Fax: (410) 974-5338

July 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0208-V, Bennett Funk

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure in the front yard with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be impacted and because impervious surfaces are not an issue, this office has no comment on this setback variance. Mitigation for the new impervious surfaces should be required in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA316-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 23, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variances 2000-0162, 0163, 0164- V, Real Estate General Ltd.
Variances 2000-0165, 0166 - V, 3603 Partnership

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicants are requesting variances to permit dwellings and utilities with less setbacks and Buffer than required. The properties are designated RCA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of single family dwellings on them. Overall impacts of development should be minimized and the variances requested the minimum to provide relief. Permits should be obtained from MDE or the Corps prior to final local approvals. Non-tidal forested wetlands encompass nearly the entire site (and wholly cover two of the five lots). Clearing and filling such a large expanse of wetlands will likely change the drainage patterns of the neighborhood. Has this been addressed? We recommend that each lot be developed individually rather than letting all the disturbance run together without preservation of any trees between the lots. As many trees as possible should be preserved and limits of disturbance should be kept to the minimum. While this may take additional time, the conditions on site warrant the extra care in tree preservation.

Further, the County Ordinance requires variances to be the minimum to provide relief. Looking at these applications together, it appears that the minimum sized dwelling is 28' by 28' and the smallest amount of disturbance is 2800 square feet (though it seems that the LOD could be further reduced). Two of the five requests appear to be the minimum necessary. The other dwellings and associated LOD should be reduced in size, such that all of the variances are the minimum to provide relief. Reforestation should occur at the appropriate ratio for each lot in accordance with the County Zoning Ordinance. As proposed, reforestation is required at a 3:1 ratio on all of the lots for clearing over 30%.

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(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Kevin Dooley
June 22, 2000
Page 2

We also recommend that the remaining area of forested wetlands on each of the lots be placed under conservation easements such that any additional disturbance in the future would be prohibited. Potential property owners should be given appropriate notice of these restrictions.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA231-00
AA232-00
AA233-00
AA234-00
AA235-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 22, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, MD 20678

RE: MSD94-40, Moore & O'Neill

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided and we have the following comments:

1. The property has 9.5 acres within the Critical Area and is designated RCA. Under optimal site conditions, this parcel could be subdivided into 2 lots under the intrafamily transfer provisions. However, this site is severely constrained by steep slopes and poor soils. Based on the perc test results, it appears that the eastern portion of the property will not perc. The septic field for the proposed Lot 1 is located across the proposed private lane, in an area of steep slopes. Also, the septic field and building envelope for Lot 2 are located partially within the Critical Area on steep slopes. Variances would be necessary for both of the lots located within the Critical Area. This office can not support variances on newly created lots. Also, it appears that a variance would be necessary for the private lane to cross steep slopes.
2. In order to address the comments above, it appears that the subdivision could be redesigned to avoid the need for variances to disturb steep slopes, except for the private lane. This would require reducing the number of lots created within the Critical Area to the one which is permitted by right. The buildable area appears to be large enough to accommodate a dwelling and septic area. This office would not oppose a variance for the driveway/private lane because it appears to be the only means of access.
3. Information has not been provided with regard to the amount of forest within the Critical Area and the amount of proposed clearing. This should be provided.
4. Based on the forested condition of this property and those to the south and west of it, it appears that this property may contain habitat for forest interior dwelling birds (FIDs). Information on conservation of FID habitat should be provided. Also, the applicant

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
June 22, 2000
Page 2

should provide documentation of contact with the Department of Natural Resources with regard to FIDs as well as threatened or endangered species.

5. It appears that there is a tributary stream on this property. As such, a 100-foot Buffer is required.
6. The application states that this would be an intrafamily transfer (if a second lot can be created without the need for a variance). Information on this intrafamily transfer must be provided. For example, given the multiple owners, whose family does it belong to and to whom in that family is the lot being transferred to? This information should be provided in a plat note subject to the intrafamily transfer provisions of the County Zoning Ordinance. The intrafamily transfer must occur at the time of subdivision approval by the County. The approval is subject to the condition that the deed for the intrafamily transfer lot contain a covenants stating that the lot was created subject to the intrafamily transfer provisions and that the lot may not be subsequently conveyed to any person other than a member of the owner's immediate family (Calvert County Zoning Ordinance, Section 4-9.08).

Thank you for the opportunity to review this subdivision. Please provide revised plans and the additional information described above to this office for further review. If you have any questions or concerns regarding the comments above, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA315-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460

Fax: (410) 974-5338

June 21, 2000

Ms. Christine Holmberg
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Stream restoration on Engh property

Dear Ms. Holmberg:

Thank you for arranging the site visit to the Engh property to inspect the stream restoration project required by the U.S. Army Corps of Engineers. Restoration was required due to unauthorized filling of the waters of the United States. It is our understanding that the County placed a stop work order on the property pending restoration of the stream.

Based on the conditions observed in the field last week, it seems that the topographical contours of the stream have been restored. The slopes have been planted with trees and shrubs. However, it seems that the placement of mulch throughout the re-graded area will prevent the area from returning to its natural condition. As observed last week, mulch has already started to clog up the small stream channels. Optimally, the mulch should be removed. Natural vegetation should be allowed to regenerate and the area should be left alone. The Corps has designated these as tributary streams. Tributary streams within the Critical Area require a 100-foot no-disturbance Buffer.

The Commission recommends that the issue of the mulch in the stream be addressed prior to the lifting of the stop work order. Also, we recommend that the County conduct regular inspections (e.g., at three month intervals) of the stream and the mitigation plantings to ensure the stream is beginning to function again and to ensure the survivability of the plantings. Please keep this office informed of this project. If Commission staff can be of any assistance, please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601

(410) 822-9047

Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 22, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0186-V, JMS Ventures

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a driveway and stormwater management facility with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. As proposed, it does not appear that impacts have been minimized. First, the house proposed is very large and, according to the literature available at the "For Sale" sign on site, is a 5 bedroom "spec" house. I raise this issue because the subject lot has severe site constraints. Development of this lot should be designed according to those constraints. A smaller, custom designed house could be placed on this lot with fewer impacts while still in keeping with the character of the neighborhood. The proposed dwelling requires substantial clearing and grading.

A site visit revealed the presence of a stream on site, draining directly to Chase Pond. Is Chase Pond tidally influenced? If so, this lot may be affected by the 100-foot Buffer from the edge of the pond. Also, given that there is a stream on site, a variance from the 100-foot Buffer to the tributary stream is necessary. The soils on site (Monmouth Loamy Sand) is highly erodible and clearing so much of the site could lead to future erosion problems. We recommend that development of the site be redesigned to minimize overall impacts. The extent of clearing is excessive due to the lengthy driveway. It appears that the house could be placed closer to the road with less impacts to steep slopes (i.e., it would be a trade-off between disturbing the slopes with the driveway and disturbing the slopes with a portion of the house). There is a relatively flat area about 50 feet closer to the road than the proposed house location. If the footprint of the house were made smaller, pulled towards the road and shifted to sit at an angle on the lot, it seems that overall site impacts would be reduced.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Mr. Kevin Dooley
June 22, 2000
Page 2

As stated above, this office does not oppose a dwelling on this lot but it appears there are opportunities to further minimize the variance requested. Finally, while the applicant has requested mitigation at only a 1:1 ratio, granting such a waiver from the requirement for clearing over 30% would be inappropriate on this site. The applicants are proposing to clear nearly 50% of the site in addition to impacting steep slopes and Buffers. This office recommends mitigation for any development of this site at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA266-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2650, Joseph Pagliaro

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the waterfront Buffer requirements and impervious surface limits in order to construct a sunroom addition to an existing house. The property is designated LDA and is one acre in size.

Important information is missing from this variance application. The location of the Buffer is not shown and the square footage of existing and proposed impervious surfaces is not quantified. Also, there is no description of any vegetation and whether any clearing or grading is necessary to construct the addition. Topographical information is missing. The plan is difficult to read and no scale is provided. Commission staff recommends that no further impervious surface be permitted on this lot. It appears that excessive development has already occurred and the sun room could be placed on the stone patio without adding to the impervious. Given the existing extent of development, where is the hardship in this case? Also, were all the decks properly permitted or in existence prior to the enactment of the local Critical Area Program? How is the runoff from all the impervious on site being treated? We recommend that the stormwater issue be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA309-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-3093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2646, Mr. & Mrs. Charles Davidson

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the waterfront Buffer, cliff setback and vegetative setback requirements in order to construct two additions to an existing house. The property is designated LDA 3 and is 0.4127 acre in size.

This office often does not oppose additions that provide a reasonable expansion of living space. This proposal nearly doubles the size of the existing dwelling (which is not small). It seems that the additions were designed without regard to the Buffer or setback requirements or existing site conditions. The need for a Buffer variance could be avoided, if both of the additions (or alternatively, one larger addition) were placed on the north side of the dwelling. This would provide the desired space, while eliminating the need for the Buffer variance. Also, the proposal includes grading of much of the property. Why is this grading necessary? Any disturbance in close proximity to the ravine on site should be avoided. We recommend that the applicant redesign the proposed additions according to the constraints of the site. Is stormwater management being provided? Runoff should be directed away from the cliff. Also, mitigation should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA305-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2648, Rosaria Cavallo

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to disturb steep slopes in construction of a single family dwelling. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible. It seems that the limits of disturbance and clearing could be further reduced through a slight shifting of the house and septic area towards Catalina Drive. Has the applicant explored any alternative designs for the septic system? While it appears that a variance may be necessary for any development of this lot, it appears that some minor design changes could further minimize impacts to steep slopes. Excessive clearing and grading on this lot may lead to future erosion problems due to the soil type. Mitigation should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA307-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2647, Abdel Ismael

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance from the waterfront Buffer requirements in order to construct a two story addition to an existing house. The property is designated LDA.

Important information is missing from this variance application. The location of the Buffer is not shown and the amount of existing and proposed impervious surfaces is not quantified. Also, there is no description of any vegetation and whether any clearing or grading is necessary to construct the addition. From the information that was provided, it seems that the addition is a reasonable expansion of living space, though ideally it would be placed outside of the Buffer. Also, I have noted that the health department approved it with a note that says, "must install septic system prior to issuance of construction permits." Where is the septic system being installed? Its location should also be shown on the site plan. It should not be located within the Buffer. Mitigation should be provided for all disturbance within the Buffer at a 2:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. If additional or revised information is submitted, please provide it to this office for further review. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA306-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 21, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2649, Samuel Young

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to disturb steep slopes in construction of a single family dwelling. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible. For example, if the initial septic system were made into one long drain field (similar to the 2nd and 3rd systems) it seems that the house could be moved at least 20 feet forward, greatly reducing impacts to steep slopes. Another alternative would be to reduce the size of the proposed dwelling. The driveway could also be made shorter. If design changes are not made, it appears that an additional variance is necessary because the applicant is proposing to disturb and clear more than 30 percent of the site. Clearly, given the size of this lot, development of a house could occur without disturbing so much of the site. Any variance granted should be the minimum to provide relief. Mitigation should be provided for all clearing in accordance with the County Zoning Ordinance.

Also, there are dotted topographical contours (along with the usual dashed contours) outside of the limit of disturbance. What are the dotted contours? Is additional grading proposed? This should be clarified.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA308-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0187-V, Riva South Limited Partnership

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance for a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a new large single family dwelling and detached garage. A variance was requested and granted for construction of the house in 1997 (Variance Case No. 1997-0399-V). Much of the site is encumbered by the expanded Buffer.

The variance granted in 1997 was actually a modified variance since the original request included a swimming pool and associated decking. (This office opposed the variance because this is not a grandfathered lot. At time of subdivision, this lot had a house with a note "existing house to remain." Shortly thereafter, the applicant applied for a variance for a new larger house.) In his 1997 decision, the Administrative Hearing Officer stated that, "the variance is minimized by deleting the integral pool and deck." (Commission staff is unsure if this deletion also meant deletion of the patio; regardless it appears that a patio was built at the back of the house.) Now the applicant is again requesting a deck. The deck itself seems to be reasonably sized, however, the previous approval was deemed the minimum necessary. If approved, we recommend that the footers for the deck be hand dug (i.e., no heavy equipment to be used) and that mitigation is provided at a 3:1 ratio for new disturbance in the Buffer. Also, we recommend that any approval be conditioned on no further variance requests for this property.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA267-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401

June 19, 2000

(410) 260-3460

Fax: (410) 974-5338

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0145-V, John Hubble

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated RCA and is currently undeveloped.

The application states that the parcel is 10.1 acres in size and is "mostly a tidal wetland." How much of the lot is state tidal wetlands? This is important because the acreage of state tidal wetlands can not be counted in impervious surface and clearing calculations. Further, can tidal wetlands be included toward the net lot area? How many square feet are actually upland?

Regardless of the above, it does not appear that this parcel is a properly grandfathered buildable lot. It was left over from an old subdivision because it is wetlands and was not buildable at the time of subdivision. The only means of making it buildable now is to obtain variances from the applicable regulations. The parcel is not assessed as being a buildable lot for tax purposes (i.e., a 10.1 acre waterfront lot assessed at \$4,040) nor was it given a lot number (unlike the other lots within Parcel 204). As a non-buildable lot, this office recommends denial of the variances requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA222-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 14, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0158-V, Michael Reisinger - FOLLOW UP COMMENTS

Dear Mr. Dooley:

After a discussion with Mr. Reisinger, I would like to follow up on my previous comments on the above referenced variance application. During our discussion, Mr. Reisinger indicated that several of the concerns expressed in my previous letter were the result of some errors on the site plan submitted with the application. In particular, he indicated that the proposed mulch paths would be removed from the plans. One would be replaced with a wooden walkway and the other would be eliminated. In addition, he indicated that the macadam area close to the water was also supposed to be removed. He further explained that the location of the house was constrained by the septic location and the existence of several specimen trees on site.

As stated previously, this office does not oppose redevelopment of this lot. Based on my discussion with the applicant, it seems that at least some of our previous concerns have been alleviated. The final site plan should contain the corrections mentioned above and a recalculation of total impervious surfaces. The proposed house is of significant size and it should be placed as far as possible from the water, subject to the location of the septic system. Mitigation should be provided for clearing and new impervious surfaces in accordance with the County Zoning Ordinance. Areas where impervious surfaces are removed and the Buffer should be priority locations for plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA230-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 14, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-98-06A, Rousby Hall Woods

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 3	
To <i>Olivia Vidotto</i>	From <i>LeeAnne</i>
Co. <i>(original is in the mail)</i>	Co. <i>(the mail)</i>
Dept.	Phone # <i>410 260 3477</i>
Fax # <i>410 414 3092</i>	Fax #

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided and we have the following comments:

1. A total of 30.7 acres are located within the Critical Area portion of the property. However, this acreage total includes what appear to be tidal wetlands and a portion of Mill Creek. Are these State tidal wetlands or private tidal wetlands? This is important because the acreage of State tidal wetlands (land beneath mean high water) can not be used to generate density nor can they be used in calculating impervious and clearing limitations. MDE can assist the applicant in determining the boundaries between State and private tidal wetlands.
2. Commission staff has noted that while three dwelling units are located within the Critical Area, septic areas for four other lots are also located within the Critical Area portion of the property. Previous correspondence has been sent to the County regarding this issue on this particular subdivision (copy attached). While we are abiding by our previous statements, we are concerned about the size of the building envelopes on Lots 18, 19, 20 and particularly Lot 21. What is the front building restriction line (BRL) for this subdivision? The plan states that it is zoned R-1, which according to the Zoning Ordinance requires a front BRL of 35 feet. A BRL of 25 feet is shown on the plan. Regardless of the BRL, the building envelope for Lot 21 is only 40 feet at its deepest part. No development (no accessory structures, decks, etc.) may occur within the Critical Area portion of these properties. Plat notes should provide full disclosure to future property owners of these restrictions. The developer may consider reconfiguring these lots to alleviate these constraints.
3. Plat notes should be provided which state which two lots are the intrafamily transfer lots and to whom in the owner's immediate family the lots will be conveyed. The intrafamily

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 14, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: SD-98-06A, Rousby Hall Woods

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided and we have the following comments:

1. A total of 30.7 acres are located within the Critical Area portion of the property. However, this acreage total includes what appear to be tidal wetlands and a portion of Mill Creek. Are these State tidal wetlands or private tidal wetlands? This is important because the acreage of State tidal wetlands (land beneath mean high water) can not be used to generate density nor can they be used in calculating impervious and clearing limitations. MDE can assist the applicant in determining the boundaries between State and private tidal wetlands.
2. Commission staff has noted that while three dwelling units are located within the Critical Area, septic areas for four other lots are also located within the Critical Area portion of the property. Previous correspondence has been sent to the County regarding this issue on this particular subdivision (copy attached). While we are abiding by our previous statements, we are concerned about the size of the building envelopes on Lots 18, 19, 20 and particularly Lot 21. What is the front building restriction line (BRL) for this subdivision? The plan states that it is zoned R-1, which according to the Zoning Ordinance requires a front BRL of 35 feet. A BRL of 25 feet is shown on the plan. Regardless of the BRL, the building envelope for Lot 21 is only 40 feet at its deepest part. No development (no accessory structures, decks, etc.) may occur within the Critical Area portion of these properties. Plat notes should provide full disclosure to future property owners of these restrictions. The developer may consider reconfiguring these lots to alleviate these constraints.
3. Plat notes should be provided which state which two lots are the intrafamily transfer lots and to whom in the owner's immediate family the lots will be conveyed. The intrafamily

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(410) 822-9047 Fax: (410) 820-5093

Ms. Olivia Vidotto
June 14, 2000
Page 2

transfer must occur at the time of subdivision approval by the County. The approval is subject to the condition that the deeds for these intrafamily transfer lots must contain covenants stating that the lots were created subject to the intrafamily transfer provisions and that the lots may not be subsequently conveyed to any person other than a member of the owner's immediate family (Calvert County Zoning Ordinance, Section 4-9.08).

4. All requirements for development in the RCA (i.e., reforestation, impervious surface limits, etc.) must be addressed before building permits are issued.

Thank you for the opportunity to comment. Please provide this office with additional or revised site plans or information as it becomes available. We are particularly interested in the tidal wetlands determination (comment #1) and the information on the intrafamily transfer. There were some questions posed recently on another intrafamily transfer such that this information is vital to our files. If you have any questions or if Commission staff could be of any assistance, please feel free to contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: CA64-98
John S. Oliff, COA, Inc.



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 13, 2000

Ms. Suzanne Diffenderfer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variances 2000-0122-V and 2000-0123-V, Arundel Investments, Ltd. -
REVISED PLANS

Dear Ms. Diffenderfer:

Thank you for providing the revised plans for the above referenced variance applications. The applicant is requesting variances to permit dwellings with disturbance to steep slopes and less setbacks and Buffer than required. The lots are designated LDA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Impacts should be minimized as much as possible and the variances requested the minimum to provide relief. The new plan shows that the properties are entirely forested and the proposal calls for clearing 60% of the forest on each lot. We recommend minimizing the clearing and grading, especially on the steep slopes. The new plan shows different topography than the earlier one, with slopes impacting even more of the site. Is it possible to redesign the houses such that the LOD could be reduced? As proposed, reforestation is required at a 3:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it to the record for these variances. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA196-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 12, 2000

Mr. Brian R. Olson, P.E.
Advanced Associates
3695 Hallowing Point Road
Prince Frederick, Maryland 20678

Dear Mr. Olson:

Enclosed, please find a copy of "A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area," as you requested. You will find information on how to measure impacts to FID habitat and how to determine the amount of mitigation required. Commission staff is available to assist in any way we can. As suggested at the Critical Area Commission subcommittee meeting, a full FID survey would be useful in determining the quality of the habitat in different parts of the property.

Please provide information on this project as it becomes available. We would appreciate receiving a copy of the forest stand delineation (again, to determine quality of habitats on this property) as well as any revised site plans.

Please contact me at (410) 260-3477 if you have any questions.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: CA268-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

June 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0169-V, Jamil & Adrienne Abunassar

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pool with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a large single family dwelling.

This office opposes the variance requested. This proposal does not meet the required standards, individually or in general, for granting of a variance within the Critical Area. We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard, and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. The use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of his property. In this case the applicant enjoys the use for which the property is zoned, i.e., a residence, as well as access to the water via a large pier. Use of the property as a whole should be considered, rather than whether a particular structure is a reasonable and significant use. If the entirety of the property and other factors in this case are examined, it is clear that denial of the variance would not constitute an unwarranted hardship.

This property is located in what appears to be a four lot subdivision, adjacent to the community of Columbia Beach. During a site visit and drive through the neighborhood, there were no pools observed at all, either within the Columbia Cove subdivision or within the larger community of Columbia Beach. A swimming pool is not a right commonly enjoyed. Rather, the granting of this variance would confer a special privilege to the applicant. Installation of a pool would disturb what remains of the Buffer. Similarly, it appears that if neighboring waterfront property owners proposed swimming pools, they also would need variances from the Buffer and setback requirements. Approval of a swimming pool in this community would open the door to many similar requests.

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Mr. Kevin Dooley
June 12, 2000
Page 2

Granting of this variance would not be consistent with the spirit and intent of the Critical Area Law and Criteria. The State Criteria and the County's Zoning Ordinance expressly prohibit new development activities in the Buffer, except for water-dependent facilities. Allowing a swimming pool in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the valuable and sensitive shoreline Buffer. As referenced in the Belvoir case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

As stated previously, the applicants already enjoy reasonable use of the property. There is no unwarranted hardship in this case. A pool would be very unusual in this neighborhood and is not a standard amenity. A pool is not a right commonly enjoyed. Granting of this variance would confer a special privilege to this applicant.

In addition, I would like to bring an additional issue to your attention. This property was the subject of another variance request in 1996 (Case No. 1996-0109-V). That request was for the attached decks and patio on the back of the house. Between 1996 (when the previous site plan was drawn) and 2000, it appears that illegal structures were placed within the Buffer absent a variance. As can be seen on the current site plan, there are freestanding decks located only 20 feet from the water. The site plan from 1996 does not show these structures. This office has not received any information on these decks. During the site visit, it appeared that these decks have roofs over them (one appears to be a "tiki bar" type structure and the other appears to be a covered sitting area). We recommend that the applicant remove these illegal structures or obtain an after-the-fact variance. This office could not support such a variance request. The variance granted in 1996 allowed the applicants to construct a 10' x 59' first floor deck and a 28' x 5.5' second story deck on the back of their house. Any additional disturbance or decks within the Buffer is beyond the minimum variance necessary to provide relief.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Esq.
AA237-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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June 12, 2000

Mr. Rick Dwyer
Salisbury/Wicomico County
Dept. of Planning, Zoning & Community Development
P.O. Box 870
Salisbury, Maryland 21803

RE: River Woods Growth Allocation

Dear Mr. Dwyer:

The Critical Area Commission has received the County's growth allocation request for the River Woods Section 3 subdivision. We are accepting the application as a complete submittal, and Chairman North will make a refinement determination within thirty (30) days of the date of this letter.

While we can process this request such that it can be considered by the Commission at its July 5, 2000 meeting, there is one issue of concern. My Lord's Creek is a tributary stream within the Critical Area. As such, it requires a Buffer of at least 100 feet in accordance with the County's Critical Area Program. The Buffer also requires expansion for contiguous steep slopes. The required Buffer has not been provided on the River Woods subdivision plat. When a 100-foot Buffer is drawn on the plan, it appears that there are contiguous steep slopes, necessitating Buffer Expansion. In summary, when the required Buffers are provided, it appears that the proposed Lots 11 and 12 will be unbuildable. The appropriate Buffer should be delineated in the field, based on the edge of the stream channel. Where there are contiguous slopes of 15% or greater, the Buffer must be expanded 4 feet for every one percent of slope or to the top of the slope, whichever is greater.

It is likely that any approval by Chairman North will come with a condition that the plat is redrawn such that the required Buffers are provided. It may be in the County's best interest to require reconfiguration of the lots prior to consideration by the Commission. A reconfiguration of the lots may change the amount of growth allocation necessary for this project.

Please let me know the County's decision on this matter. If you have any questions or concerns, Commission staff is available to provide any assistance necessary. Please contact me at (410) 260-3477.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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June 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0205-V, Susan Cox

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt, and is currently developed with a single family dwelling.

Because the addition appears to be of reasonable size and there does not seem to be an alternative location for expansion, this office does not oppose the variance requested. Because this lot is designated IDA, the 10% pollutant reduction rule should be addressed. Since this lot is Buffer Exempt and mitigation for new impervious within the Buffer is required at a 2:1 ratio, the 10% requirement can be met through these plantings. The Buffer should be a priority location for this mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA286-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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George John C. North, II
Chairman



Ren Serey
Executive Director

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June 9, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-00-11, Avondale, Lot 4

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided. It appears that the proposed subdivision is consistent with the County's Critical Area Program and regulations. Because this new lot is designated IDA, the 10% pollutant reduction rule should be addressed at the time of development. This office should be provided with the 10% calculations for development of this lot.

Thank you for the opportunity to comment. Please include this letter in the file for this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA301-00

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(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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June 9, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0139-V, Gilbert Moore

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier with less setbacks than required and on a lot without a principal structure. The property is designated LDA and is currently undeveloped.

This office defers to the Maryland Department of the Environment (MDE) for recommendations on pier setback issues and to the County regarding the absence of a principal structure. The applicant should obtain all appropriate permits from the Tidal Wetlands Division of MDE prior to any final approvals.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA198-00

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ge John C. North, II
Chairman



Ren Serey
Executive Director

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June 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance # 2000-0200-V, Peter Mandes

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a carport addition with less setbacks than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling.

Because no habitat protection areas will be impacted and because impervious surfaces are not an issue, this office has no comment on this setback variance. Due to the large amount of impervious surfaces on this lot, the applicant should be made aware that any additional impervious will likely require a variance. Also, the County should ensure that stormwater is adequately managed on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA285-00

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Judge John C. North, II
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Executive Director

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Fax: (410) 974-5338

June 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0168-V, Alan Sokoloff

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a retaining wall with disturbance to steep slopes in the Critical Area. The property is designated RCA and is currently developed with a single family dwelling.

This proposal involves disturbing steep slopes to install a retaining wall and backfill to create a "safe, usable backyard for children." The subject lot is two acres in size. The house is located at the top of steep slopes. An area of the backyard is already somewhat level and fenced in. The front yard is nearly 300 feet deep and contains a substantial area of level topography.

This office opposes the variance requested. This proposal does not meet the required standards, individually or in general, for granting of a variance within the Critical Area. There is no unwarranted hardship in this case. The applicants have reasonable use of the property and given that the property is two acres in size, there is ample space in the front yard to create a play area for children. A variance could easily be avoided. Denial of the variance would not deprive the applicant of rights commonly enjoyed. Front yards are just as suitable for play areas as backyards. Granting of this variance would give the applicant a special privilege because all owners of similar properties are restricted from disturbing steep slopes. This variance request is based on an action by the applicant. This property was purchased March 29, 2000. The applicant should have been aware of the topography of the lot and limitations on further disturbance to this site at the time of purchase. Granting of this variance would not be consistent with the spirit and intent of the Critical Area Law and Criteria.

Variances should not be granted lightly. As noted in *Belvoir Farms V. North*, 355 Md. 259 (1999), "the need sufficient to justify a variance must be substantial and urgent and not merely for the convenience of the applicant, inasmuch the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy

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Mr. Kevin Dooley
June 9, 2000
Page 2

the usefulness of the ordinance." This variance is clearly a matter of convenience. As stated above, there are alternative locations for the proposed use. While a different location would be less convenient, it would avoid the need for a variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA236-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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June 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0190-V, John Freitag

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling.

This office often does not oppose decks of reasonable size. The proposed expansion of the deck seems reasonable, though we are concerned with its close proximity to the shoreline. Instead of expanding waterward, would it be possible to expand the deck to the north side of the dwelling (i.e., make it wrap around the corner of the house)? This would provide the additional space without the need for a variance. If any approval is granted we recommend that the footers be hand dug with minimal disturbance. Also, we recommend mitigation for new disturbance in the Buffer at a 3:1 ratio (if the deck is approved waterward of the dwelling). The Buffer should be a priority location for plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA268-00

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John C. North, II
Chairman



Ren Serey
Executive Director

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June 9, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variances 2000-0195-V, John & Mary Stinson
2000-0196-V, Kathleen Murphy
2000-0197-V, Perry & Breeden
2000-0198-V, Sandra & Kenneth Dunnington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicants are requesting variances to permit deck additions with less setback and Buffer than required. The properties are designated LDA and are currently developed with a townhouses.

This office has reviewed several variance applications within this community. These requests seem similar to those previously reviewed. Because the proposed decks are of reasonable and similar in size to those previously approved, this office does not oppose the variances requested. We recommend mitigation at a 3:1 ratio for new disturbance within the Buffer. We commend the applicants' proposed use of native plantings. The plantings should count towards any mitigation required. Optimally, the mitigation should occur within the Buffer, between the townhouses and the water.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for these variances. Also, please notify the Commission in writing of the decision made in these cases.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA281-00
AA282-00
AA283-00
AA284-00

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June 8, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0184-V, Winter & Carlson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

Because the dwelling additions are proposed to be located over existing impervious surface, this office does not oppose the variance request. From the site plan, it is difficult to determine the size of the existing deck as compared to the proposed deck. It appears that the proposed deck is quite extensive in size. Any replacement or expansion of the deck should be done without grading and with minimal disturbance to the slope. I am not familiar with "sonotube" footings, but the use of any heavy equipment should be avoided. Similarly, repair and replacement of the retaining walls should be done with minimal disturbance as well. The limits of disturbance are not labeled on the site plan, though the notes do say that 3,578 square feet will be disturbed. This amount seems extensive as compared to the relatively small additions proposed. No additional grading should occur on this lot. Mitigation for disturbance of vegetation should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA264-00

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 8, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0209-V, Francis E. Larrimore

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. The application raised some questions as to whether it is grandfathered. It specifically states, "Per the recordation of this lot, the plat was NOT recorded prior to December 1, 1985." Non-grandfathered lots should not require a variance in order to be developed. Impacts from development should be minimized as much as possible. It seems that the lot could possibly be developed without a variance if the house were turned 90° to sit along the front building restriction line. This lot is designated IDA and the 10% pollutant reduction rule should be addressed. Also, mitigation for impervious surfaces on this Buffer Exempt lot (if it, in fact, is Buffer Exempt) should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA287-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
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TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



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Chairman

Ren Serey
Executive Director

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June 8, 2000

Mr. Edward A. Tudor, Director
Worcester Co. Planning, Permits, & Inspections
Room 116 Court House
One West Market St.
Snow Hill, Maryland 21863-1070

RE: Worcester County Critical Area Case 00-1
Request for Correction of Mapping Error

Dear Mr. Tudor:

At its meeting of June 7, 2000, the Chesapeake Bay Critical Area Commission concurred with the Chairman's determination that the proposed correction of this mapping error qualifies as a refinement to the Worcester County Critical Area Program. Chairman North has approved this refinement to the County's Program. A total of 18.89 acres of RCA have been redesignated to IDA in accordance with the GIS map provided to this office. This reduction in RCA results in a 0.94 acre reduction in the County's growth allocation. However, as requested by the County, the growth allocation previously awarded to Parcel 72 totaling 5.158 acres will be returned to the County's reserve.

Pursuant to Natural Resources Article 8-1809(o)(2), Annotated Code of Maryland, as amended, the County shall make the necessary changes and incorporate this refinement into the Worcester County program within 120 days of receipt of this letter.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Rudy Espinoza
Worcester amendment file

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Ren Serey
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June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0189-V, John England

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier and pilings with less setbacks than required.

This office has no comment on the setback issue. We defer to the Maryland Department of the Environment (MDE) as the permitting agency on this issue.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA381-99

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June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0157-V, John and Betty Harvey

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt, and is currently developed with a 2 story dwelling.

This office often does not oppose additions of reasonable size, provided impacts are minimized. However, this proposed 2-story addition will be located only 28 feet from the water. It will increase what already appears to be a large house to measure 66 feet by 26 feet or 1716 square feet in size. We are concerned about the large amount of impervious surface sited so close to the water. Is it possible to expand to the side of the dwelling such that this variance would not be necessary? We suggest that alternative means be explored for accommodating the applicants' request. We further recommend that any approval be conditioned on all of the roof runoff being directed away from Furnace Branch. Also, because this lot is designated IDA, the 10% pollutant reduction rule must be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA229-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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June 5, 2000

Kevin Dooley, Chief, Zoning
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance 1999-0355-V, Stephen Mackowiak - COMMENTS ON REVISED PLAN

Dear Mr. Dooley:

Thank you for providing the revised information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with single family dwelling, patio, carport and driveway.

Because of the minor changes made to the plan, our previous comments (dated August 26, 1999) are still applicable. Please include that letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA446-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0180-V, Charles and George Obrecht

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property is designated RCA and is currently undeveloped.

The Administrative Hearing Officer granted the variance for development of this lot subject to eight (8) conditions. Provided all of these conditions are followed, this office does not oppose the variance requested. Please note, the site plan provided with this current request should be revised to delete the proposed pier.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA257-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0149-V, Irwin Silber

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated IDA and is currently developed with a single family dwelling.

Because the proposed deck and stairs are minimal in size and will encroach only 4.5 feet further into the Buffer, this office does not oppose the variance requested. Because this lot is designated IDA, the 10% rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement. The Buffer should be a priority area for planting.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA225-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 5, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: BA19-00V, James Sherman

Dear Mr. Dooley:

We would like to comment on the above referenced case. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

It is our understanding that there is considerable conflicting opinion and information on whether or not this lot is considered grandfathered and/or buildable under the County's regulations. Provided that this issue is resolved and the lot is found to be grandfathered and/or buildable, this office does not oppose the siting of a single family dwelling on it. It appears that siting the dwelling in the additional area found during the property survey will decrease impacts to the Buffer. The dwelling should be sized, designed and located to minimize clearing and grading. Our office supports the variance in the yard setback requirements in order to accommodate a house as far from the wetlands as possible. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer to the tributary stream.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA383-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

June 2, 2000

Mr. Edward A. Tudor, Director
Worcester Co. Planning, Permits, & Inspections
Room 116 Court House
One West Market St.
Snow Hill, Maryland 21863-1070

RE: Worcester County Critical Area Case 00-1
Request for Correction of Mapping Error

Dear Mr. Tudor:

The Critical Area Commission is in receipt of the request to change the Critical Area designation by reason of mistake on several properties along Route 12 outside of Snow Hill. It is Commission staff's understanding that a total of 18.89 acres are proposed to be redesignated IDA from the original RCA designation. This is based on the area of the properties in commercial or industrial use at the time of Critical Area Program approval.

We have accepted the application as a complete submittal and Chairman North, with the concurrence of the full Commission, will make a refinement determination at the June 7, 2000 Commission meeting. I will notify you subsequent to his decision.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Rudy Espinoza
WOA - 8

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

June 1, 2000

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0158-V, Michael Reisinger

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt, and is currently developed with a single family dwelling (to be replaced) and several accessory structures.

This office does not oppose redevelopment of the lot. However, in the course of redevelopment, impacts must be minimized as much as possible. The proposed house is of significant size and is proposed to be located only 44 feet from the water. It seems that the house could be redesigned and shifted to be located at least partially outside of the Buffer. Also, the proposed level of impervious surface exceeds the 15% permitted, though it is 32 square feet less than currently exists. While we certainly encourage removal of impervious coverage, it seems impractical to have only mulch walkways to the house. Also, the paved area between the house and the macadam area near the water is going to be removed. What is the purpose of the macadam area if there is no access to it? Again, it appears that the redevelopment of this lot should be redesigned to minimize impacts. Mitigation should be provided for clearing and new impervious surfaces in accordance with the County Zoning Ordinance. Areas where impervious surfaces are removed and the Buffer should be priority locations for plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA230-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-96-34, George Hutchins

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided. The Critical Area Form states that this property is designated IDA. According to the Critical Area map in our office, it is actually LDA. This should be corrected. Regardless of which designation the property is, it appears that the proposed subdivision is consistent with the County's Critical Area Program and regulations. Because this new lot is designated LDA, all appropriate requirements (limits on impervious surface, clearing, and prohibition of disturbance of steep slopes) should be addressed at the time of development.

Thank you for the opportunity to comment. Please include this letter in the file for this subdivision. If you have any questions or concerns, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA243-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0156-V, Ida Turner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Existing impervious surfaces on this lot already exceed the limit. The applicants are proposing to maintain the existing impervious level by removing a portion of the driveway to make up for the additions to the house. The site plan does not show where the driveway will be reduced in size. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. This should be shown on any approved plans and included as a condition on the building permit. Otherwise, because there are no habitat protection areas that will be affected, this office has no comment on the setback variance. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA228-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0143-V, Zwingelberg Enterprises

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an attached garage with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no habitat protection areas that will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA220-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0174-V, Kenneth Wheeling

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit deck additions with less setbacks and Buffer than required.

This office has reviewed several similar Buffer variance applications within this community. Previous applications have noted that there would be no impervious surface related to the deck. This application states that there is a patio under the proposed deck. Do other properties have patios waterward of the dwelling? Was a variance necessary and granted for the patio? If the patio is unusual and was not permitted, we recommend that the area of the patio be made pervious again. With regard to this specific request, because the attached decks are of reasonable size and similar to those which were previously approved, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA248-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0420-V, John Kibby - COMMENTS ON REVISED PLANS

Dear Mr. Dooley:

Thank you for providing the revised plans for the the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a house (to be demolished).

Provided new impacts to the expanded Buffer and steep slopes are minimized, this office does not oppose the redevelopment of this lot. The cover letter provided with the revised plans states that the plans were revised due to community concerns. While community concerns may have been addressed, it seems that the changes have resulted in even more impacts to steep slopes and the Buffer. As stated in our comments on the original plan, it appears that there are opportunity to reduce impacts. For example, could the proposed driveway (now even longer than before) be brought in from the southern side of the house to avoid additional clearing and grading? Doing so may eliminate the need for the extensive retaining walls. Also, are the retaining walls on the western side of the house necessary? If they were eliminated, it appears that new clearing and grading on that side of the house could be avoided. Mitigation should be provided for all disturbance in the expanded Buffer at a 3:1 ratio. Areas where impervious surfaces are removed should be a priority for planting to insure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA558-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0181-V, Frank Briganti

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no habitat protection areas that will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA258-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0153-V, Michael Seaman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no habitat protection areas that will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA226-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

June 1, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0170-V, Madeline Shea

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no habitat protection areas that will be affected and because impervious surfaces are not an issue, this office has no comment on the setback variance. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA238-00

Branch Office: 31 Creamery Lane, Easton, MD 21601

(410) 822-9047

Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

May 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0140-V, Mildred and Gitau Brown

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. It appears that nearly half of the subject lot is a non-tidal wetland and any development will require a variance. Would it be possible to shift the house to the 7-foot side building restriction line from lot 10 such that the entire width of the lot's wetlands would not have to be filled? Would shifting the house away from the street help minimize the necessary fill? Fill should be limited to the minimum necessary for the footprint of the house and driveway. Any fill must be authorized by MDE. We recommend mitigation at a 3:1 ratio for all disturbance to the wetland and Buffer. Also, any future property owners should be notified of the prohibition on additional clearing and filling of wetlands on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA199-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

May 31, 2000

Mr. Reed Faasen
Charles County Planning and Growth Management
P.O. Box 2150
La Plata, MD 20646

RE: Variance request for Cobb Island, Lots 9-12, Section A

Dear Mr. Faasen:

Thank you for providing information on the above referenced variance request. The applicant is requesting a variance to exceed the impervious surface limit set by the Charles County Critical Area Overlay requirements. The letter sent to the County by the consulting engineer contains misinformation and is extremely confusing. The impervious surface limit for this LDA, Buffer Exempt .51 acre lot is 15% or 3,358.65 square feet. Proposed impervious area on this lot is 4,799 square feet, necessitating a variance for 1,440 square feet of additional impervious surface.

Because this is currently an undeveloped lot, it appears that there is ample opportunity to reassess the lot and design and site the dwelling to meet the impervious surface limits. The proposed shed is extremely large, and given that the applicant is also proposing a two-car garage, it appears unnecessary. If the shed were eliminated, the driveway could be shorter and more direct. The house could also be made smaller and pulled further from the water.

The various percentage and square footage figures the engineer uses in his letter are not applicable on this Buffer Exempt lot. Though the State Law was changed in 1996 to provide additional flexibility on lots of this size, the County, in making amendments to their program in 1997, specifically chose not to provide this flexibility on Buffer Exempt lots.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case. If you have any questions or would like additional information, please contact me at (410) 260-3477.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CS246-00

Branch Office: 31 Creamery Lane, Easton, MD 21601

(410) 822-9047

Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 31, 2000

VIA FACSIMILE

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2637, Elliott - **COMMENTS ON REVISED PLAN**

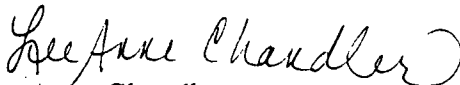
Dear Ms. Whitt:

Thank you for providing revised plan on the above referenced variance application. It appears that the only changes in the plan are a slight change to the front entrance and moving the house approximately 7 feet **closer** to the water.

Our previous comments on this project, dated April 28, 2000, stated that impacts had not been minimized. On the contrary, it appeared that the lot could be developed without a variance. Our previous comments are still valid, and since the house is proposed to be even closer to the water, we again recommend against this variance. There is a large building envelope outside of the Buffer that can easily accommodate a dwelling. Simply put, there is no hardship in this case.

Thank you for the opportunity to review the revised plan. Please include this letter in your file along with our previous comments on this case, and submit them as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CA207-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

May 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0148-V, John Power

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

From the information provided, it is difficult to assess this request. It appears that there is no additional impervious surface and no clearing involved in this proposal. Provided that this is the case, this office has no comment on the setback issue. Any vegetation disturbed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA224-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

May 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0144-V, Robert Nokes

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling and garage.

Because no habitat protection areas are affected and because impervious surface limits are not exceeded, this office has no comment on the setback issue. (The property owner should be made aware that he is at the limit for impervious surfaces.) If approved, any vegetation disturbed by construction of the addition should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA221-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0147-V, William Wilson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

This office defers to the Maryland Department of the Environment (MDE) on pier issues. Proper authorization should be obtained from MDE prior to any construction.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA223-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0171-V, John Autrey

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be impacted by the proposed addition, this office has no comment on the setback issue. This lot is designated IDA so the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA247-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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May 30, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2643, Vacation Estates

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit construction of a large single family and garage on steep slopes within the waterfront Buffer. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Is this parcel grandfathered? The tax maps in our office dated 1988 do not show this parcel. If this parcel was not in existence at the time of program approval, we oppose the variance requested because non-grandfathered parcels should not require a variance in order to be developed. If it is grandfathered, development of this lot should minimize impacts as much as possible. For example, the house could be moved closer to the road to eliminate additional disturbance to steep slopes. Also, the footprint of the driveway could be further reduced. Limits of disturbance and grading should be kept to the minimum necessary, keeping in mind that it is located within the Buffer. Also, how will runoff be handled? We recommend that any approval be conditioned on mitigation for all new disturbance within the Buffer at a 2:1 ratio (in accordance with the County Zoning Ordinance). The Buffer should be a priority location for the mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CA251-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Sercy
Executive Director

**STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

May 30, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2642, Orzel

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit construction of two decks within the Buffer. The property is designated LDA and is currently undeveloped.

Given the current location of the edge of the cliff, it seems imprudent to allow any additional development closer to the cliff. Would it be possible to construct a deck to the side of the dwelling rather than towards the water? It appears that there is space to accommodate a deck to the side. We recommend that any deck be cantilevered to the house with little to no ground disturbance. Mitigation should be provided for any disturbance which may occur.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA250-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

May 30, 2000

Ms. Pam Miley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0135-V, Dorothy Schummer - COMMENTS ON REVISED PLANS

Dear Ms. Miley:

This office has received revised plans for the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

It appears that the applicant has made an effort to minimize impacts as suggested in our previous comments. The house has been brought forward towards the front building restriction line and has been shifted to the other side of the lot. The driveway has been made shorter and the well moved outside of the wetland. It has been determined that the wetlands on site are non-tidal. Appropriate authorization for filling of these wetlands should be obtained from MDE prior to any work on this lot. As now proposed, development will require clearing 39% of the site. The limits of development should be kept to the minimum necessary for construction. Reforestation should be provided at a 3:1 ratio as required by the County Zoning Ordinance. Also, any future property owners should be notified of the prohibition on additional clearing and filling of wetlands on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA187-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



George John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

May 30, 2000

Mr. Kevin Vienneau
Charles County Office of Planning
P.O. Box 2150
La Plata, MD 20646

RE: Special Exception #1004, Maryland Rock Industries, Inc.

Dear Mr. Vienneau:

Thank you for providing information on the special exception application filed by Maryland Rock Industries, Inc. Commission staff has reviewed the information provided and we have several comments and recommendations.

As presented in the application, no mining is proposed within the Critical Area portion of the property. However, the proposed plant area, including some stockpiles and a conveyor system are proposed within the Critical Area. Prior to discussing any of the details of the proposed activities within the Critical Area, Commission staff would like to raise several questions that will require answers prior to completing our review. The Charles County Critical Area Program discusses surface mining in Chapter 7. It specifically states the following:

Surface mining within the Critical Area shall be prohibited in the following unsuitable areas:

- ◆ *Areas where important natural resources such as threatened and endangered species, areas of scientific value, or Habitat Protection Areas occur;*
- ◆ *Areas where "highly erodible" soils (soils with a slope greater than 15 percent; or those soils with a K value greater than .35 and with slopes greater than 5 percent) exist;*
- ◆ *Areas where the use of renewable resource lands would result in the substantial loss (that is, 25 years or more) of long range productivity of forest and agriculture, or would result in a degradation of water quality or a loss of vital habitat, or*

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Mr. Kevin Vienneau
May 30, 2000
Page 2

- ◆ *The lands within 100 feet of the mean high water line of tidal waters or the edge of perennial streams.*

Identical* language appears in Section 132 (d)(v) of the Charles County Zoning Ordinance, although the ordinance does not define surface mining. The State Critical Area regulations do define surface mining, and absent a County definition, the State definition must be used. The Code of Maryland Regulations at 27.01.07.01 reads,

A. *"Surface mining" means:*

- (1) The breaking of the surface soil in order to extract or remove minerals in the Critical Area;*
- (2) Any activity or process constituting all or part of a process for the extraction or removal of minerals from their original location in the Critical Area; and*
- (3) the extraction of sand, gravel, rock, stone, earth or fill from borrow pits for highway construction purposes or other public facilities.*

B. *For the purposes of this chapter, surface mining also means:*

- (1) Operations engaged in processing minerals at the site of extraction;*
- (2) Removal of overburden and mining of limited amounts of any mineral when done for the purpose of prospecting and, to the extent necessary, to determine the location, quantity, or quality of any natural deposit; and*
- (3) Mining operations, if the affected land exceeds 1 acre or more in area.*

Based on the above definition, the activity within the Critical Area portion of the property is considered "surface mining".

The County prohibition of surface mining within the Critical Area includes areas where Habitat Protection Areas (HPAs) occur. HPAs include Buffers; habitats of threatened and endangered species and species in need of conservation; Bald Eagle habitats; non-tidal wetlands; Natural

*The language in the ordinance is identical with that in the Program with one exception. It states, "Surface mining within the Critical Area shall be prohibited in the following unsuitable areas: 1. Areas where important natural resources such as threatened and endangered species, are of unique scientific value, or habitat protection areas identified in Chapter 9 of the *Charles County Critical Area Program* occur;" The reference to Chapter 9 appears to be a typographical error. Chapter 9 is a chapter on "Natural Areas Protection and Preservation" and does not identify any Habitat Protection Areas. The correct chapter would be Chapter 8, entitled "Habitat Protection Program" which lists and describes the Habitat Protection Areas which are afforded protection by the Critical Area Law and Criteria.

Mr. Kevin Vienneau
May 30, 2000
Page 3

Heritage Areas; colonial water bird nesting areas, historic waterfowl staging areas; forest areas with forest interior dwelling birds (FIDs); and anadromous fish propagation waters. As discussed in the Special Exception application, the Critical Area portion of property contains Buffers, non-tidal wetlands, Bald Eagle nests, and habitat for FIDs. The presence of other HPAs, such as waterfowl staging areas, was not discussed.

Based on the provisions of the County's Critical Area Program and Ordinance, it appears that surface mining and all related facilities are prohibited in the Critical Area portion of this property due to the designated HPAs. It does not appear that the Zoning Ordinance has any specific provisions for providing relief from these restrictions.

Notwithstanding the key point made above, Commission staff would like to take this opportunity to raise several issues with regard to the information provided.

1. The Critical Area 100' Buffer should be drawn from the mean high water line or the landward edge of tidal wetlands. There are many pockets of tidal wetlands along the shoreline and the Buffer should be drawn around these areas instead of simply paralleling the shoreline. Where there are contiguous steep slopes of 15% or greater, the Buffer must be expanded four feet for every one percent of slope or to the top of the slope whichever is greater in extent. Also, tributary streams within the Critical Area portion of the property must be protected by minimum 100-foot Buffers (rather than the 50-foot RPZ as is shown on the plan).
2. From the site plan, it appears that the plant area is proposed in an area of steep slopes and highly erodible soils (Keyport Silt Loam with a K-factor of 0.43). As stated above, the County's Critical Area Program prohibits surface mining in these areas.
3. Additional information is necessary with regard to colonial nesting water bird sites, waterfowl staging areas and anadromous fish propagation waters and how the proposed barge facility will affect these HPAs. Also, the 1999 Submerged Aquatic Vegetation (SAV) survey conducted by the Virginia Institute of Marine Science indicates the presence of five species of SAV along the shoreline of this property (<http://www.vims.edu/bio/sav/sav99/quads/wi055.html>). An assessment of SAV impacts and provisions for mitigation should also be required.
4. Additional information with regard to conservation of FID habitat should be provided. This information should include provisions for conservation of FID habitat, a calculation of FID habitat loss, and, if necessary, mitigation for permanent loss of habitat.

Please keep the Critical Area Commission informed of this project, especially any discussions regarding the prohibition of surface mining in Habitat Protection Areas. The County's Critical

Mr. Kevin Vienneau

May 30, 2000

Page 4

Area Program appears clear and the Commission is interested in any decision the County may make. Should the special exception application go forward, additional information will be necessary to assess the project's impact to the Critical Area. This information should include a site plan for all disturbance within the Critical Area portion of the property at a finer scale and detail than that provided for the special exception; details of the disturbance (clearing) and impervious surface proposed within the Critical Area; and details for the proposed barge loading facility.

Thank you for the opportunity to comment on this special exception. Please keep us informed of the progress of review of this project as well as any hearings or meetings which may be held. If you have any questions or would like additional information, please contact me at (410) 260-3477.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Marianne D. Mason, Esq.
Ren Serey
CS214-00

George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

May 19, 2000

Ms. Suzanne Diffenderfer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0414-V, Allen Bouchelle

Dear Ms. Diffenderfer:

This office has received notice of the appeal filed regarding the above referenced case. The applicant requested a variance to permit a dwelling with less setbacks and Buffer than required. The request was denied by the Administrative Hearing Officer. The subject property has a split designation of LDA and RCA and is currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. However, as required by the County Zoning Ordinance, the variance requested must be the minimum to provide relief. As indicated in the Critical Area report accompanying the site plan, the entire site is wetlands. Permits from the Maryland Department of the Environment should be obtained prior to any final approval.

This office received the revised plans for this property on May 10, 2000. It appears that the plans have slightly changed since the original hearing. Limits of disturbance have been reduced by 350 square feet. It is not clear that the variance requested is the minimum to provide relief. The house has a substantial footprint. On a different lot, perhaps the size of the dwelling would not seem so substantial. However, as stated above, the entire site is wetlands and a smaller house would mean less impact to the resources on this site.

Regardless of the ultimate size of the dwelling, appropriate mitigation should be provided for disturbance within the Buffer. (The "drainage ditch" shown on site plan is actually a tributary stream and the dwelling is sited within the expanded Buffer to this stream.) This office recommends mitigation for disturbance within the Buffer at a 3 to 1 ratio. Because there are currently no trees on site, this mitigation will meet the 15% afforestation requirement.

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Ms. Suzanne Diffenderfer
May 19, 2000
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this appeal. Also, please notify the Commission in writing of the decision made in this case.

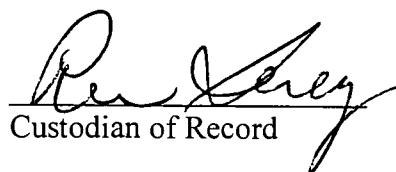
Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA554-99

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.



Custodian of Record

George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 19, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0109-V, Russell Brown - **Additional Comments**

Dear Mr. Dooley:

The Commission would like to add to our previous comments on this variance application. The request is a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

It has come to our attention that there are a number of gaps in the information provided on the site plan. First, while the Critical Area report mentions that there is a stream on this property, its location is not provided on the site plan. The stream channel should be shown on the site plan, along with the required 100-foot Buffer for this tributary stream. Photographs of the site were submitted to this office and they clearly show the existence of a stream. Without the stream location on the site plan, it is difficult to assess exactly how close the proposed dwelling is to the stream and, accordingly, the extent of the variance needed. Second, the mean high water mark (MHW) and the 100-foot Buffer from Lake Ogleton is not shown on the plan. Again, this information is necessary for the reasons stated above.

Once the above information is provided, any development of this lot should be designed to minimize overall site impacts. The house as proposed appears to be on the steepest portion of the property. Is the topographical information on the site plan from a field run survey? Will the house be set into the slope? Will fill be brought to the site? Will the house have a basement? The soils on this site (Monmouth fine sandy loam, 15 to 40% slopes) are highly erodible with a K factor of .43. Soil disturbance should be kept to the minimum. As stated in our previous comments, there are opportunities to reduce the extent of the variance by reducing the footprint of the house, perhaps eliminating the garage, and moving it up to the building restriction line.

Thank you for the opportunity to comment. Please include this letter in your file and submit it, as well as our previous comments, to the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

cc: AA168-00

udge John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 19, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variances 2000-0122-V and 2000-0123-V, Arundel Investments, Ltd.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance applications. The applicant is requesting a variance to permit dwellings with disturbance to steep slopes and less setbacks and Buffer than required. The lots are designated LDA and are currently undeveloped.

Provided these lots are properly grandfathered, this office does not oppose the siting of a single family dwelling on them. Impacts should be minimized as much as possible and the variances requested the minimum to provide relief. It is difficult to assess the extent of impacts because detailed information is lacking in the variance application package. For example, are these lots currently forested? What percentage of the site will be disturbed? What percentage impervious surface is proposed? Where are the limits of disturbance? These issues should be clarified prior to any approval. Clearing and grading should be kept to the minimum. We recommend mitigation for all disturbance in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it to the record for these variances. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA196-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 18, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0386-V, Annapolis Specialty Houses

Dear Mr. Dooley:

This office has received notice of the appeal filed regarding the above referenced variance application. The applicant requested a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA and is currently undeveloped. The variance was granted (with modifications) by the Administrative Hearing Officer.

Provided that the plans have not changed in a way that increases impacts to the Buffer, this office requests that our previous comments on this variance application (letter dated October 15, 1999) be made part of your report to the Board to be submitted to the record of this appeal. If revised information is available, please provide it to this office for our review.

Thank you for the opportunity to comment. Please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA531-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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April 19, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0127-V, Albert Lee

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling, septic system and driveway.

This office reviewed a different variance application (Variance 1999-0240-V) for this property in July 1999. Variances were granted by Mr. LeGendre (based on a different site plan) with certain conditions. In his decision, Mr. LeGendre stated the following positive factors as leading to his decision: the proposed dwelling is not overly large; the new construction was proposed to be further from Saltworks Creek and in an area that is relatively flat and primarily impervious; the proposal would not increase impervious coverage; and the garage was proposed to be placed over an existing concrete slab. I raise these points because many aspects of the current proposal seem contrary to the positive factors raised in the previous approval.

This office does not oppose redevelopment of this lot. However, impacts must be minimized and the variance requested the minimum to provide relief. The current proposal (a dwelling with an approximately 3000 square foot footprint plus a three car garage) increases impervious surfaces, directly disturbs steep slopes within the 100-foot Buffer, is closer to Saltworks Creek, and places the garage as well as a 40-foot by 35-foot parking area in a location that is now primarily pervious. Again, this office recommends that the amount of new disturbance be reduced, especially because this lot is not grandfathered and does not benefit from being mapped Buffer Exempt. Rather than creating new impervious areas and trying to restore perviousness to areas that have been paved for years, redevelopment should utilize existing impervious areas as much as possible.

It appears clear that the variance requested is not the minimum to provide relief. The plan presented last July demonstrated that further minimization of impacts is possible. This office

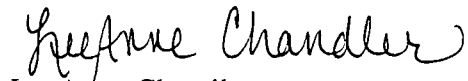
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Mr. Kevin Dooley
April 19, 2000
Page 2

recommends mitigation at a 3:1 ratio for all new disturbance. Also, given the amount of impervious surfaces (9704 square feet) so close to Saltworks Creek, we recommend that stormwater management be addressed to ensure runoff is appropriately managed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA327-99

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 26, 2000

Ms. Pam Miley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0131-V, Andrew Smith

Dear Ms. Miley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit an inground swimming pool with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a large single family dwelling.

This office can not support the variance requested. Non-water dependent accessory structures are not permitted within the Buffer. The proposed location of the pool is within an area that was illegally cleared. The property owners cleared the Buffer (removal of many large [>50 feet tall] mature trees and all understory) from the dwelling to the edge of the property. It appears that this area was cleared to obtain a view. The plat for this subdivision (approved during the interim period, after December 1, 1985) set out specific clearing limits for each lot. The limits on this lot have been far exceeded. We recommend full restoration of the entire area illegally cleared prior to consideration of any variance application. Approval of the variance as requested would be contrary to the plat notes of the subdivision and would not allow full restoration of the Buffer as should be required for this violation. The County's Zoning Ordinance (at 1A-104(c)(5)) requires mitigation at a 3:1 ratio for clearing violations. Restoration of the area should be complete (though it will be decades before the area will return to its previous condition) prior to any further development of this property.

Denial of this variance would not be an unwarranted hardship. The property owners already have reasonable use of the property. The property is an environmentally sensitive site, containing hydric soils, non-tidal wetlands, and expanded Buffer. Permitting the house in its location provided the property owners reasonable use. Allowing a pool in the proposed location would not be the minimum variance necessary to provide relief.

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Ms. Pam Miley
May 26, 2000
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Jay Leshinskie, Permit Application Center
AA183-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

MEMORANDUM

To: H. Grant Dehart, Program Open Space
From: LeeAnne Chandler
Subject: DNR Clearinghouse Review of Local POS Projects #3733-22-131, 132, and 133
(Riverwalk Park, City Park, and Waterside Park)
Date: May 4, 2000

Thank you for the opportunity to review the above referenced projects. Commission staff has reviewed the information provided and has the following comments:

1. These projects are located within the Critical Area. As local projects on lands owned by the local jurisdiction, these projects do not need to go through the formal Commission review process. However, development of these parks must be consistent with the Wicomico County Critical Area Program.
2. The Critical Area Commission must receive certification from the local jurisdiction that these project are consistent with the local Critical Area Program. A full description of the proposed development and a request for local certification must be submitted to the Commission.
3. If the local jurisdiction provides the necessary information and certification to the Commission regarding these projects and appropriate mitigation is required, the projects will not conflict with the Critical Area Law and Criteria.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact me at (410) 260-7035.

cc: Rick Dwyer

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 8, 2000

Ms. Olivia Vidotto
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: MSD-00-08, Randy Bresnik

Dear Ms. Vidotto:

Thank you for providing information on the above referenced subdivision. Commission staff has reviewed the information provided. It appears that the proposed subdivision is consistent with the County's Critical Area Program and regulations. Because this new lot is designated IDA, the 10% pollutant reduction rule should be addressed at the time of development.

Thank you for the opportunity to comment. Please include this letter in the file for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA242-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

May 8, 2000

Mr. Kevin Vienneau
Charles County Planning
P.O. Box 2150
La Plata, Maryland 20646

RE: Port Tobacco Campground

Dear Mr. Vienneau:

Thank you for providing information on the above referenced project. Commission staff has reviewed the information provided and we have the following comments:

1. This property is designated LDA and as such, there is a 15% impervious surface limit on it. Existing conditions on site include 34% impervious surface coverage. The proposed redevelopment of the site will reduce imperviousness to 26% percent. While the proposed project will decrease impervious, it will not decrease it enough to meet the strict Critical Area requirements. Depending upon the County's policy with regard to non-conformance and grandfathering, a variance to exceed impervious surface limits may be necessary. This office would not oppose such a variance due to the proposed improvement over existing conditions.
2. Based on the sketch of the "typical RV site" that appears on the site plan, it seems that 440 square feet of impervious on a 1500 square foot lot is a very modest estimate (e.g., as sketched, it appears that at least half of the site is impervious). Has the "patio" been taken into account? This should be clarified and, if necessary, impervious surface totals should be recalculated.
3. With regard to the individual lots and placement of the RV pads, we recommend that the applicant provide a more detailed site plan, showing the actual proposed location of the RV pads, patios, and driveways. This is important from both an impervious surface standpoint, as well as a Buffer standpoint. While the site is Buffer Exempt, it is our understanding that the County uses adjacent primary structures to determine a dwelling's setback from the water. The only permanent structure on this site seems to be the existing community center, which is approximately 45 feet from the water. Will this be the setback for all of the lots? It seems that some flexibility may be appropriate, given

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Mr. Kevin Vienneau
May 8, 2000
Page 2

that existing impervious surface goes up to the water's edge for a large extent of the shoreline on the western side of the property. However, we strongly recommend that Buffers be maximized as much as possible and also that some minimum setback be established. As a possible option, the Commission's new Buffer Exemption Policy sets an absolute minimum Buffer at 25 feet (or a variance is required).

4. As called for in the County's Critical Area Overlay ordinance, certain offsets are required for new development in BEAs. Specifically, the area remaining between the impervious surface and the water should be planted in native vegetation. The landscaping shown on the site plan includes only plantings between lots rather than along the water. This should be addressed.
5. Will the project include any improvements to stormwater management? Again, while the decrease in imperviousness will improve the runoff coming from the site, given that the use will be more permanent in nature, it seems that stormwater management should be addressed in some way.

Thank you for the opportunity to review and provide comments on this project. Please provide this office with any revised information that may be submitted. If you have any questions or would like further information, please contact me at (410) 260-7035.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CS239-00

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

April 27, 2000

(410) 260-7516

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Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2639, Hathaway/Heffron

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit construction of a single family and garage wholly within the 100-foot Buffer. The property is designated LDA and is currently developed with a house.

This office does not oppose redevelopment of this lot. However, in the course of redevelopment, impacts should be minimized and new impacts to the Buffer and steep slopes should be avoided if possible. This office recommends that the new house be redesigned to: take advantage of the existing house footprint (to minimize new impacts to the Buffer); eliminate the excessive grading on the steep slopes (as proposed, grading will occur as close as 10 feet to St. John's Creek); and shift the garage from its angled position so the house could be moved further away from the creek. It is not clear that the applicants have attempted to minimize impacts. The existing house is 55 feet from the water. We strongly recommend that any new disturbance not be permitted any closer to the water than the existing house. Also, how will runoff be handled? We recommend that any approval be conditioned on mitigation for all new disturbance within the Buffer at a 2:1 ratio (in accordance with the County Zoning Ordinance). The Buffer should be a priority location for the mitigation. (This would also help satisfy the 15% afforestation requirement).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA205-00

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John C. North, II
Chairman



Ren Serey
Executive Director

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April 27, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2638, Ross

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling wholly within the 100-foot Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. Given that this lot is 125-feet deep from the Patuxent River to the road, it appears that any development would require a variance. The house appears to be of reasonable size. Would it be possible to redesign the septic system in a way that would allow the house to be placed further from the water? We recommend that any approval be conditioned on mitigation for all disturbance within the Buffer at a 2:1 ratio (in accordance with the County Zoning Ordinance). The Buffer should be a priority location for the mitigation. (This would also help satisfy the 15% afforestation requirement).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA206-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

April 27, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2640, Sitnik

Dear Ms. Whitt:


Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family and garage on slopes of 15% or greater with clearing in excess of 30% of the property. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Due to the steepness of the site, it appears that any development would require a variance. However, impacts should be minimized and the variance requested the minimum to provide relief. As proposed, it does not appear that impacts have been minimized, Over 86% of the property is proposed to be cleared and graded. While some grading is necessary to achieve a safe grade for the driveway, why is it necessary to clear and grade the large areas in the to the eastern and western corners of the property (especially since the topography will be just as steep after the proposed grading)? Would it be possible to place the dwelling closer to the road to reduce the extent of clearing? Would a more direct driveway be possible? Also, how will runoff be handled?

As stated above, this office does not oppose development of this lot. However, it appears there are significant opportunities to reduce impacts. Mitigation should be provided for all clearing in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CA204-00

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



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Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0124-V, Stephen Alexander

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office has no comment on this setback variance. However, Commission staff is concerned about the amount of impervious surface on Lot 27. We strongly recommend that any approval be conditioned on ensuring that Lot 28 will never be built on. While the site plan shows "conservation easement" on Lot 28, no details were provided. Any easement should be in perpetuity.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA181-00

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(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 28, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2637, Elliott

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit construction of a single family dwelling partially within the 100-foot Buffer. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. It appears that the house could be placed completely outside of the 100-foot Buffer, eliminating the need for this variance. The property is 320 feet deep from the road to Island Creek. With the building restriction line, there is a 185 foot permitted building envelope. It appears that the septic fields could easily be shifted either slightly closer to the road, or turned 90° so that the three septic areas could be accommodated in the front 130 feet of the lot. This would allow a 90 foot by 75 foot building envelope completely outside the 100-foot Buffer. It appears clear that this lot could be developed without this variance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA207-00

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(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
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Ren Serey
Executive Director

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April 28, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2635, Rodney Miller

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit enclosure of a deck within the 100-foot Buffer. The property is designated LDA and is currently developed with a single family dwelling and driveway. This property was the subject of a previous variance request in 1996. Approval of the variance allowed construction of the deck.

Because of the existing house's proximity to the water, it appears that any addition would likely need a variance from the Buffer requirements. Given that the enclosure appears to be a reasonable expansion of living space, and no further ground disturbance will occur, this office does not oppose the variance requested. However, we recommend that any approval be conditioned on mitigation for the new impervious surface within the Buffer at a 2:1 ratio. This mitigation should consist of trees and shrubs, with the Buffer as a priority location for planting. Also, runoff coming from the roof of this enclosure should be managed to avoid future erosion.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA208-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

May 1, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Intra-family transfer, Willows Wood subdivision

Dear Ms. Whitt:

Commission staff has reviewed the information in our files on this subdivision. Based on this information, the State Critical Area Law and Criteria and the County's Critical Area Program and Zoning Ordinance, we have discussed each of the questions posed in your letter of April 14, 2000. Before answering each of the questions, some background information may be helpful to Ms. Woo.

An important part of Maryland's Chesapeake Bay culture are the thousands of families who, for generations, have lived and worked along the Bay's shoreline. The General Assembly recognized the importance of this history and made provision to permit the subdivision of land within the Resource Conservation Area into parcels for intrafamily transfer. The intent of the intrafamily transfer provisions of the Critical Area Law is to provide for immediate family members, not for the purpose of creating lots for ultimate commercial sale. The requirements for intrafamily transfers are defined in Natural Resources Article §8-1808.2 (copy enclosed).

1. *How shall conveyances to family members be determined given that the owner is a corporation?*

In regards to this particular subdivision, in reviewing the site plan, we noted that the Willows Development Co. was listed as one of seven owners (Note #8 of the site plan). The other owners listed are individuals. The Corporation itself does not have the ability to do an intrafamily transfer nor can the Corporation be the beneficiary of an intrafamily transfer. However, the six individuals listed do have the ability to convey the lot to a member of one of their immediate families.

This question raised another issue. The fact that questions are being asked now, four years after subdivision approval, raises the question as to whether the lot has ever been

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Ms. Roxana Whitt

May 1, 2000

Page 2

transferred to anyone. The conveyance of the lot to a family member must occur at the time of subdivision approval. A covenant must run with the deed which states that the subdivision was for the purpose of creating a bona fide intrafamily transfer. It is difficult to determine if this intrafamily transfer is valid since it appears that the original transfer never occurred.

2. *Is there a time limit on the restriction that the property only be conveyed to family members?*

The intrafamily transfer restrictions are in perpetuity unless the beneficiary of the original transfer can provide evidence that it meets Section 4-9.08(D) of the County's Zoning Ordinance.

3. *Is the property owner allowed to rent the property to someone other than a family member?*

Section 8-1808.2 (a)(2) of the Critical Area Law states "Bona fide intrafamily transfer" means a "transfer to a member of the owner's immediate family of a portion of the owner's property **for the purpose of establishing a residence for that family member.**" (Emphasis added) We could not find a definition for "bona fide intrafamily transfer" in the definition section of the County's Zoning Ordinance. If, in fact, this is the case, the County's Program is not in conformance with State law. This can be corrected during the 2000 Comprehensive Review. In the mean time, the definition contained in the Critical Area Law must be used. To answer the question as to whether a property may be rented to someone other than a family member, in accordance with the definition of a "bona fide intrafamily transfer" the property may not be rented but must be used for the purpose of establishing a residence for that family member.

4. *What happens if there are no longer any family members living to whom the property might be transferred?*

Notwithstanding the question above as to whether this particular transfer is valid, a situation where there are no living family members to which the property might be transferred could qualify for an exception to allow the subsequent conveyance to persons other than immediate family members as described in Section 4-9.08(D) of the County's Zoning Ordinance. Again, this is assuming that the original transfer occurred as a bona fide intrafamily transfer.

5. *Are there any exceptions to the intrafamily transfer requirements?*

Exceptions for subsequent conveyances can only be made in accordance with Section 4-9.08(D) of the County's Zoning Ordinance.


Ms. Roxana Whitt
May 1, 2000
Page 3

6. *What is the procedure for requesting an exception to these requirements?*

The Critical Area Law does not specify a particular procedure for subsequent conveyance of lots. Rather, it states, "the local jurisdiction shall establish standards and procedures, subject to the approval of the Commission, by which the local jurisdiction will permit the subsequent conveyance of lots to persons other than immediate family members." It does not appear that the County's ordinance contains such a procedure. (Again, this is something that can be corrected during the 2000 Comprehensive Review.) Most other Counties send such requests to the Board of Appeals. Until a procedure is established, we recommend that such requests be submitted to the Calvert County Board of Appeals (since other "exceptions" to the rules go before the Board).

We hope this information is useful to you. If you have any further questions or would like additional information, please contact us at (410) 260-7035.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: David Brownlee
Marianne Mason, Esq.
Ren Serey
Regina Esslinger

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

May 1, 2000

TO: City of Fruitland Panel
Samuel Q. Johnson (chair)/ Clinton Bradley / Bill Corkran / Joe Jackson

FROM: LeeAnne Chandler *YAC*

SUBJ: Public Hearing for the proposed City of Fruitland Critical Area Ordinance

A panel hearing on the proposed Critical Area Ordinance for the City of Fruitland has been scheduled for Tuesday, May 9, 2000 at 7:40 p.m. in the auditorium of the Fruitland Intermediate School, 208 West Main Street, Fruitland. This panel hearing will be held in conjunction with a public hearing on this ordinance held by the Fruitland City Council.

You will find a copy of the proposed ordinance attached to this memo. The proposed Ordinance No. 194 will repeal Ordinance No. 169 (the City's current Critical Area ordinance) and replace it with streamlined yet inclusive requirements. Forty acres of land (five properties) are within the Critical Area in the City of Fruitland. Rather than maintaining a full Critical Area Program and Ordinance, this proposal will include only those requirements that are applicable to Limited Development Areas (which the 40 acres are designated). All requests for building permits, project approvals and proposals for subdivision shall be forwarded to the Critical Area Circuit Rider for review and comment.

If you have any questions or would like additional information, please contact me at (410) 260-7035 or Tracey Greene at (410) 749-4618. A map to the Fruitland Intermediate School is enclosed.

Thank you in advance for your participation on this panel.

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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May 2, 2000

Mr. Stephen M. LeGendre
Administrative Hearing Officer
Office of Administrative Hearings
Arundel Center, 44 Calvert St.
Annapolis, Maryland 21401

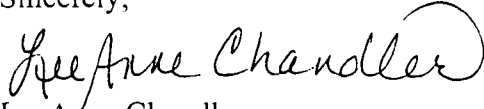
RE: Case No. 2000-0034-V, Omar and Genevieve Jacomini

Dear Mr. LeGendre:

Thank you for the opportunity to comment on the revised site plan for the case referenced above. It is my understanding that the applicant has attempted to revise the site plan in accordance with the Commission's earlier suggested alternative and also in accordance with comments received from Bill Love of PACE. The driveway has been moved at Mr. Love's suggestion to avoid several large trees. The house has been moved 18 feet further away from the Buffer. According to Mr. Branch, attempts were made to reconfigure the septic system. Due to the failed percolation tests on the western side of the lot (as well as a natural drainage swale), the septic system must be located on the eastern side of the lot. Given the necessary components of the septic system (septic tank, pump tank, filter, distribution box, and four drywells) and the required distances between these components, it appears that the applicant has attempted to minimize impacts to steep slopes and the expanded Buffer. This statement is based on limited knowledge of septic system design and Health Department requirements. It also appears that if the house were moved closer to the road, the septic system would impact the trees that were being saved by moving the driveway. We recommend standard mitigation for disturbance to the expanded Buffer.

Thank you again for the opportunity to comment. Please notify the Commission in writing of your decision in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA50-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

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Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

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Fax: (410) 974-5338

April 25, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0139-V, Gilbert Moore

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier with less setbacks than required and on a lot without a principal structure. The property is designated LDA and is currently developed with a single family dwelling.

This office defers to the Maryland Department of the Environment (MDE) for recommendation on pier issues. The applicant should obtain all appropriate permits from the Tidal Wetlands Division of MDE prior to any final approvals.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA198-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



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Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 25, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0134-V, John and Mary Demichiei

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. It appears that any development on this lot would require a variance due to the presence of the Buffer and the steep slopes. The applicants are proposing a significantly sized dwelling and a four-car garage. As proposed, the amount impervious surface is at the 15% limit. The applicant should be made aware that any type of additional impervious surface (e.g., swimming pool, shed, sidewalks) will necessitate another variance. Potential options for reducing initial impervious surfaces include making the impervious patio a pervious deck and reducing the footprint of the garage or dwelling. An effort should be made to minimize clearing of existing vegetation. We recommend mitigation at a 3:1 ratio for new disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record of this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA186-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

April 27, 2000

Mr. Charles H. Klein
Whitney, Bailey, Cox & Magnani, LLP
849 Fairmount Avenue
Suite 100
Baltimore, Maryland 21286

RE: Fleet Operations Building
UMCES, Solomons Island, Maryland
WBCM Job No. 98231.01.0

Dear Mr. Klein:

Thank you for providing the 10% calculations and site plan for the project referenced above. Commission staff has reviewed the information provided. There was an error made in the 10% pollutant reduction calculations. However, the error is not cause for concern because the proposed BMP will satisfy the corrected pollutant removal requirement. For your information, I have attached a corrected Worksheet A for this project.

Based on the above, provided final approval is received from MDE, it appears that the revised plans are consistent with the approval granted by the Critical Area Commission in 1991. An additional approval from the Commission is not necessary.

If you have any questions or if the project changes significantly, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: MDE, Sediment and Stormwater Administration
UMCES22-00
C & U 33-91

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 18, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0099-V, John England

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required and with more impervious than allowed. According to the County printout, the property is designated IDA.

Commission staff checked the Critical Area maps on file at our office. It appears that the property is IDA, though it is close to an area of LDA. If the lot is IDA, it does not appear that an impervious surface variance is necessary. If it is LDA, this office recommends that some other impervious area be removed rather than exceed current levels. We have no comment on the setback issue. Mitigation should be provided for new impervious on this Buffer Exempt lot in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Lee Anne Chandler
Natural Resources Planner

cc: AA177-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

April 18, 2000

(410) 260-7516

Fax: (410) 974-5338

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0094-V, Cypress Cove General Partnership

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a commercial pier in a residential district, closer to the center of the creek than allowed and with less parking and restrooms than required, and also a variance to permit a walkway for access to a pier with less setbacks and Buffer than required. The proposed use of the site is an assisted living facility. The site has a split designation of RCA and LDA.

This office defers to the Maryland Department of the Environment with regard to the pier issue (i.e., being closer to the center of the creek than allowed) and defers to the County regarding the parking, restroom and general zoning issue. With regard to the walkway, according to information contained in *Designing Sidewalks and Trails for Access* (U.S. Dept. of Transportation, Federal Highway Administration, Publ. No. FHWA-HEP-99-006), the minimum clearance width for handicapped accessible routes is 0.915 meters or 3 feet. This publication was silent with regard to the minimum width for two wheelchairs. We recommend that the wooden walkway be kept to the minimum width possible. Also, it should be constructed in such a way that it is pervious. We recommend mitigation for disturbance within the Buffer for the walkway at a 3:1 ratio. The Buffer should be a priority location for mitigation.

While not the subject of these specific variance requests, Commission staff noted some problems with the site plan provided with the application. First, it does not include the 100-foot Buffer from the tidal marsh that lies northwest of the site. The Buffer must be delineated 100-feet from the edge of the wetlands. When the Buffer is drawn on the site plan, it appears that a portion of the deck is located within the Buffer. Previous site plans showed all buildings outside of the Buffer. This should be addressed because any decks within the Buffer will need a variance. Also, the site plan has changed since the previous variance (1998-0133-V) and special exception (1998-0132-S) requested for this property were granted. The building, parking and deck have changed. According to the order issued by Mr. LeGendre, the approvals were conditioned on the previous site plan. This should also be addressed.

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Mr. Kevin Dooley
April 18, 2000
Page 2

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA138-00

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

April 12, 2000

Mr. Kenneth L. McLawhon, Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, Maryland 20640

RE: Revised Site Plan, Ken Ammar

Dear Mr. McLawhon:

Thank you for providing the revised site plan on the above referenced proposal. Commission staff has reviewed the new information. We would like to offer the following comments and recommendations:

- As suggested in our previous comments, the applicant has provided most of the required information on the site plan. The only omission appears to be information with regard to habitat protection areas, i.e., habitats of threatened or endangered species and plant and wildlife habitats (including habitat of forest interior dwelling birds). The applicant should contact the Maryland Department of Natural Resources, Heritage and Biodiversity Conservation Program to inquire about potential habitat protection areas on this site.
- We again recommend that placement of the dwelling should take the erosion rate into consideration.
- How will utilities (sewer, water, electricity) be handled on this property? Impacts of such utilities should be indicated and considered in review of the development plan.
- Please note, the soils on the western portion of the site are classified as Aura gravelly sandy loam (AuD2). According to the Charles County Soil Survey, this type of soil may be subject to erosion once it is disturbed. Also, it appears that plants have difficulty establishing roots in this soil. Therefore, Commission staff recommends that clearing be kept to the minimum necessary (rather than just clear-cutting a large swath in the middle of the forest).

Thank you for the opportunity to review the revised plans. If you have any questions or would like further information, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner
LAC/jjd

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 12, 2000

Ms. Suzanne Diffenderfer
Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0066-V, Kenneth Parsons - LOT A - REVISED PLANS

Dear Ms. Diffenderfer:

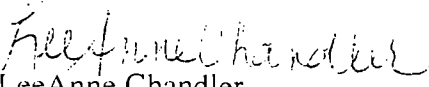
This office has received the revised plans on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required. The property has a split designation of LDA and RCA and is currently undeveloped.

The revised plan for this lot shows a slightly smaller dwelling than the previous plans, with less decking, but a larger driveway. The corner of the house is approximately 5 feet from the wetlands. The limits of disturbance have not changed, including direct impacts to the tidal wetlands. Does the applicant have authorization from MDE to disturb these wetlands? It is not clear that impacts have been minimized.

Except for the reduction in the size of the dwelling, no other changes are apparent and the concerns expressed in our previous letter are still valid. Please include this letter as well as our previous letter (dated March 15, 2000) in your report and submit them as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner
LAC/jjd

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 974-2426 Fax: (410) 974-5338

April 12, 2000

Ms. Suzanne Diffenderfer
Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0064-V, Kenneth Parsons - LOT C - REVISED PLANS

Dear Ms. Diffenderfer:

This office has received the revised plans on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required. The property has a split designation of LDA and RCA and is currently undeveloped.

The revised plan for this lot shows the same dwelling as the previous plans, with less decking around it. The distance from the wetland has been increased from 26 feet to 30 feet. The limits of disturbance have not changed, showing that development would disturb over 50% of the lot. It is not clear that impacts have been minimized.

Except for the elimination of some of the decking, no other changes are apparent and the concerns expressed in our previous letter are still valid. Please include this letter as well as our previous letter (dated March 15, 2000) in your report and submit them as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner
LAC/jjd

cc: AA113-00

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(410) 822-9047 Fax: (410) 820-5093

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Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. John Swartz
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Trueman Point Lot 10R - Building and Grading Permits

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is proposing to clear over 15,000 square feet of forest in order to construct a single family dwelling. The property is 6.334 acres in size and is partially forested.

From the site plan, where the tree line is shown along Helen Creek Drive, it is difficult to assess which areas are currently forested and which are currently cleared. According to the information provided, the site is 23% forested (63,459 square feet). Is the area being disturbed currently forested? If so, it appears that a variance may be required for clearing over 30% of the forest currently on site.

Notwithstanding the above, it appears that clearing and grading on this site could be much further minimized than currently proposed. Section 4-8.07(A)(2)(b) of the County Zoning Ordinance states that, "Development activities shall be designed and implemented to minimize destruction of woodland vegetation." It appears that clearing and grading could be significantly reduced if the building envelope were moved closer to the road. This appears to be a viable alternative for this lot.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA151-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



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(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0109-V, Russell Brown

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. During a drive-by visit to the site, Commission staff noted the severe constraints of this site, i.e., fully wooded, extremely steep, and close proximity to wetlands. It seems imprudent to allow any disturbance to this site.

Notwithstanding the above, any development of this lot should be kept to the minimum disturbance possible. The house, while not extravagant in size, measures 45 feet by 55 feet (including the porch and garage). It appears that the house could be moved east to the side (13') building restriction line, pulling the house away from the wetlands. Also, it appears that the limits of disturbance could be reduced. It would be appropriate to reduce and redesign the footprint to minimize impacts. We recommend mitigation at a 3 to 1 ratio for disturbance on this sensitive site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA168-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



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Executive Director

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April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0096-V, William McKay

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. From the site plan provided and a drive-by visit to the site, it does not appear that impacts have been minimized. For example, the applicant is proposing to clear 62% of the woodland currently on site. It appears that the house (which is of reasonable size) could be moved up to the front and side building restriction lines (toward lot 7) and significantly reduce impacts to steep slopes. Also, if the garage were made front-entry, it would reduce the length of driveway necessary. The proposed grading on the northern side of the dwelling appears unnecessary.

Again, this office does not oppose a dwelling on this lot. However, it is apparent that impacts could be further minimized. The site contains several large mature trees as well as an understory. Clearing should be reduced and an effort should be made to preserve the trees on site. Mitigation (reforestation) should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA ¹⁷²~~166~~-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

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(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-01119-V, Charles and Kathleen Rose

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a pier with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office defers to the Maryland Department of the Environment (MDE) for recommendation on pier issues. The applicant should obtain all appropriate permits from the Tidal Wetlands Division of MDE prior to any final approvals.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA180-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0128-V, Michael Wooster

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated LDA and is currently contains a shed and part of a driveway.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized and the variance requested the minimum to provide relief. It may be appropriate to reduce the footprint of the house or redesign to minimize impacts. As proposed, 50% of the woodland on site will be disturbed. Would it be possible to move the house towards Friar Trail? This may reduce disturbance of the steepest part of the property. Mitigation should be provided in accordance with the Zoning Ordinance at a 3 to 1 ratio for clearing over 30% of this site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA182-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0132-V, David Means

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA184-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0133-V, Marco DeCesaris

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a detached garage with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling and driveway.

Because the garage will be placed over impervious surface and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement. The Buffer should be a priority location for planting.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA185-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 10, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0136-V, Kevin Dowling

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. The proposed house does not appear to be overly large and it appears that grading will be minimal. Would it be possible to shift (or turn) the house slightly to eliminate the impervious surface within the 100-foot Buffer? This office recommends mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer.

Also, please note, the Critical Area report mentions the existence of a threatened species (Giant Cane) on this site. This species is particularly sensitive to sedimentation. All sediment and erosion control devices should be in place prior to any site disturbance and remain until the site is fully stabilized. The devices should be checked and maintained on a daily basis to reduce the potential for failure. We recommend that the applicant consult with the Natural Heritage Division of the Maryland Department of Natural Resources. Appropriate consideration should be given to any recommendations that they may make.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA188-00

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(410) 822-9047 Fax: (410) 820-5093

lge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Special Exception 2000-0073-S and Variance 2000-0074-V, Pendennis Mount Assn.

Dear Mr. Dooley:

This office has received the applications referenced above. However, key information is missing from the site plan and the descriptive materials. Given the nature of the special exception and variance requested, the following information is necessary: the existing number of slips; the proposed number of slips; the number of lots within the Critical Area within the subdivision; and the length of shoreline within the subdivision. Also, environmental features (topography, tree cover, soils, etc.) and existing structures must be shown on the site plan. Also, what is the justification for not providing parking and sanitary facilities at this community marina?

Please provide the information listed above to this office so we can complete our review of this request. If you have any questions, I can be reached at (410) 260-7035. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA164-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

April 7, 2000

Ms. Pam Miley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0054-V, Armando Cignarale - COMMENTS ON REVISED PLANS

Dear Ms. Miley:

This office has received a revised site plan for the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less Buffer and setbacks than required. The property is designated RCA and is currently undeveloped.

As stated in our previous comments, provided this lot is properly grandfathered, this office does not oppose the citing of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. The revised site plan shows changes to the house location and layout. Some of the issues raised in our previous letter have not been addressed. The site plan provided still does not show the entirety of lot 1. What is the topography on the northwestern portion of the lot (adjacent to Eagle Hill Road)? Are there areas that are not steep or within the Buffer? This information should be provided, because a variance request should only be made if there are no other developable areas on the parcel.

The revised layout and placement of the house remains an issue of concern. The new footprint of the dwelling is actually larger than presented in the previous plan. Why has the house been increased in size? Proposed disturbance and proposed impervious surface within the Buffer has increased (related to house construction) while disturbance within areas of steep slopes has slightly decreased. A stormwater management facility is also proposed within 75 feet of the wetlands. Again, it appears that impacts could be further minimized. The design and siting of the dwelling should minimize overall site impacts.

As stated in our previous letter, the proposed access to the future pier appears to be 8 feet wide and designed for vehicular access. While access to the water is permitted, disturbance for access should be kept to the minimum necessary and the path should be of pervious material and an appropriate width. The access path should be removed from the proposal (and removed from this variance request) until such time that a pier is constructed. The location of the pier is not

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Ms. Pam Miley
April 7, 2000
Page 2

indicated. It appears that any pier would have to cross an expanse of tidal and non-tidal wetlands. The Maryland Department of the Environment (MDE) should be consulted when siting the pier to ensure minimization of wetland impact. A permit from MDE may be required for not only the pier but also the wetland crossing. The proposed accessway may not be in the appropriate location.

Again, we recommend mitigation for all disturbance within the Buffer at a 3:1 ratio. Also, the forest clearing outside of the Buffer should be mitigated at a 1:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Bob Cuthbertson, MDE
AA93-00

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

April 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Special Exception 2000-0115-S and Variance 2000-0116-V, Kinsey Potter

Dear Mr. Dooley:

This office has received the applications referenced above. The applicant is requesting a special exception to permit the expansion of a lawful nonconforming use and a variance to permit a dwelling addition and septic system with disturbance to steep slopes and less Buffer than required. The property is designated RCA and is currently developed with two single family dwellings.

Given that the additions to the dwelling will be placed over existing impervious surface, this office does not oppose the variance or the special exception for the dwelling additions. Information was not provided with regard to the reason for the new septic area. Is the existing septic failing? Is the addition the reason for the new septic? Because the site appears to be entirely constrained by steep slopes and an alternative location is not apparent, we also do not oppose the septic on steep slopes. Care should be taken to ensure slope stability during and after construction of the septic trenches. As much vegetation as possible should be retained. Also, reforestation should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment on these requests. Please include this letter in your file and submit it as part of the record for these cases. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA170-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0098-V, Thomas and Terri Coffman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling.

The proposed addition appears to be a reasonable expansion of living space. Impacts from the addition should be minimized as much as possible. Could the addition be shifted towards Beach Road to avoid the need for a variance? Would this then require tree removal? Regardless, due to the Buffer coming from two directions, it appears that any new addition would be in the Buffer. If this request is approved, mitigation for new impervious surfaces on this Buffer Exempt lot should be provided in accordance with the County Zoning Ordinance at §1A-109(c)(5). The Buffer should be a priority area for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA166-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0095-V, Richard Harrington

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in the time required for the implementation and completion of a previously approved variance. The property is designated LDA and is currently undeveloped. The previously approved variance was to permit disturbance to steep slopes and the expanded Buffer.

This office has no comment on the extension of time request. However, we would like to point out that the plans provided with the application do not match those reviewed under the previous variance application. The stormwater management facility is shifted towards the water and it appears that the house has changed as well. This should be explained. Impacts should be minimized as much as possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA165-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 4, 2000

Mr. Michael J. Reber, Chairman
Calvert County Board of Appeals
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #00-2605, Charles Stanbery - ADDITIONAL COMMENTS

Dear Mr. Reber:

This office would like to submit additional comments on the case referenced above. It is our understanding that the case has been continued from previous months. After a visit to the site, Commission staff feels compelled to emphasize our concerns and object to the extent of the variance requested. The applicant is requesting a variance from the impervious surface and cliff setback requirements in order to construct a detached garage. As we discussed, it also appears that a Buffer variance is necessary because the scale indicated on the site plan is not accurate. The property is designated LDA and is currently developed with a dwelling, septic system and driveway.

As stated previously, this office does not oppose the construction of a garage to serve the existing dwelling. However, impacts should be minimized as much as possible and it is clear after visiting the site that there is ample opportunity to reduce impacts, including eliminating the need for both the Buffer and impervious surface variances. I would like to bring the following points to the Board's attention:

- There is an alternative location for the garage in the southwestern corner of the applicants' property (on top of the existing driveway). While this would still require a cliff setback variance, it would eliminate the need for both the impervious surface and Buffer variances. Also, the proposed garage is nearly the size of the house - there is clearly an opportunity to reduce the size of the garage.
- It seems that allowing a garage to be constructed less than 20 feet from the edge of a Category 1 cliff would directly contradict all of the work and findings of the Cliff Policy Task Force.
- Other nearby properties do not have waterfront detached garages. Thus, denial of this variance would not deprive the applicants of rights commonly enjoyed.

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Mr. Michael J. Reber

April 4, 2000

Page 2

- It appears that granting of this variance would convey a special privilege to the applicants in allowing not only a waterfront dwelling but also a waterfront garage in a Category 1 cliff area.
- There is already an existing erosion problem in front of the applicants' dwelling. Additional disturbance at the top of the cliff would only exacerbate the problem and perhaps cause serious damage to the properties of others.

We recommend denial of the variance as currently proposed. The garage should be moved away from the edge of the cliff and out of the Critical Area Buffer. We recommend that stormwater from all development on this lot be directed away from the cliff to reduce the land based sources of erosion. This office recommends mitigation for all disturbance within the Buffer in accordance with the County Zoning Ordinance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Lee Anne Chandler
Natural Resources Planner

cc: CA626-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0332-V, Robert L. Somers (BA 109-99V)

Dear Ms. Morgan:

This office would like to comment on the case referenced above. The applicant applied for a variance to permit perfection of a deck (including a spa) with less setbacks and Buffer than required. The Administrative Hearing Officer denied the request. The applicant is appealing the decision of the Administrative Hearing Officer. The subject property is designated LDA and is within a Buffer Exemption Area (BEA).

Section 1A-109 of the Anne Arundel County Zoning Ordinance describes the County's Buffer Exemption and Enhancement Program. It states, "**expansion of existing structures and new accessory structures shall be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site.**" The deck in question was built without permits and without regard to the environmental impact. While the Buffer Exemption provisions were created to provide flexibility and recognize that there were existing grandfathered lots with development already in the Buffer, new development within BEAs is supposed to maximize the functions of the Buffer that remain.

This office can not support the variance requested. The subject property is extensively developed with a continuous structure extending well in excess of 100 feet from front to rear. There is an existing system of decking along the south side of the dwelling which provides water side enjoyment. Denial of this variance does not represent denial of reasonable and significant use because the applicant already have a deck and enjoy that particular use. To the extent there is a hardship, it is self-imposed because the applicants have built the deck closer to the shore without permits and without regard to the environmental impact. Strictly enforcing the Critical Area program would not deprive the applicant of rights commonly enjoyed (i.e., they already have a deck) but it would confer a special privilege in allowing

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(410) 822-9047 Fax: (410) 820-5093

Ms. Charlene Morgan

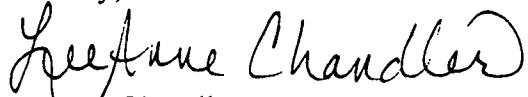
April 3, 2000

Page 2

development 26 feet closer to the shoreline than the existing dwelling. Also, the County Zoning Ordinance requires a variance to be the minimum necessary to provide relief. This request far exceeds the minimum relief. Also, please note, there is ample space in the side yard for expansion of an existing deck and placement of an impervious spa. It appears clear that a variance could have been avoided in this case.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record in this appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: AA427-99

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.



Custodian of Record



John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0114-V, Russell Good

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA171-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0111-V, Charles Bragdon

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA169-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0106-V, Kathy Hughes

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA167-00

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(410) 822-9047 Fax: (410) 820-5093



George John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0113-V, Janice Nuscher

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Because this property is designated IDA, the 10% pollutant reduction requirement must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA163-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



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Executive Director

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(410) 260-7516 Fax: (410) 974-5338

April 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0107-V, Kenneth Rodey

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA162-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 30, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0086-V, Julia Coupland

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and buffer than required. The property is designated LDA and is currently undeveloped. This property is not Buffer Exempt.

Provided the lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized and the variance requested the minimum to provide relief. As proposed, it appears that some impacts have been minimized (e.g., obtaining access via an easement to avoid disturbance of the steep slopes adjacent to the road). However, it appears there are opportunities to reduce clearing and grading of steep slopes (in some places grading is extended more than 30 feet from any proposed impervious surface). Also, while the dwelling itself may be average as compared to others in the area, the proposal also includes what appears to be a four-car garage. Given the sensitive features on this site, it would be appropriate to reduce the footprint or redesign to minimize impacts. Existing vegetation should be preserved as much as possible as it will be difficult to reestablish trees and other vegetation on such steep slopes. The proposed level of clearing is 37% of the woodland currently on site; therefore, we recommend mitigation for disturbance at a 3:1 ratio in accordance with the County Zoning Ordinance. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA134-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

March 24, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0082-V, Steven & Crystal Deller

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and detached garage. From the site plan, it appears that there is already a 20 foot by 20 foot deck attached to the dwelling.

This office recommends that the proposed hot tub be placed on the existing deck, no further waterward than the existing dwelling. Given that this lot is Buffer Exempt, it appears that a variance could easily be avoided in this situation. We recommend that any approval be conditioned on mitigation in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA133-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 24, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0087-V, Rosalie Russell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure on a lot without a principal structure with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a dilapidated shed and a gravel driveway.

While this office does not oppose the replacement of the shed with a garage, we strongly encourage no net increase in impervious surface on this lot. (We recognize that the existing condition of the lot already exceeds the impervious surface limits.) Would it be possible to replace the shed with a garage of the same dimensions? We recommend that any approval be conditioned on mitigation or stormwater management of some kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA140-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

March 23, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0081-V, Chestnut Hill Cove

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit the expansion of a community pier without sanitary facilities. The property is designated LDA and is currently developed with a 20-slip community pier.

This office recently reviewed the special exception to permit the expansion of this existing community pier. The proposed expansion of the community pier (10 slips) is within the limits set out in the Zoning Ordinance. However, the County Zoning Ordinance requires certain sanitary facilities for community marinas. This office recommends that the County Health Department or the Environmental Division determine the need for sanitary facilities at this location. Are there existing problems? Given the close proximity of the launching ramp, it appears that this area would be heavily used. Will the addition of 10 slips make a significant difference in the amount of use? Do the users of this pier live in the townhouses that are within a reasonable distance? If it is determined that there is a need for sanitary facilities, such facilities should be located outside of the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA ³⁰~~131~~-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

March 23, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0089-V, Severn Assoc., Inc.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It appears that the proposed dwelling would be compatible with existing patterns of development in this area. It does appear that the house could be moved further away from the water, although the narrowness of the lot is a limiting factor. Commission staff has noted the proposed stormwater management trench along the water side of the dwelling. While we certainly encourage stormwater management, would it be possible to move the trench and direct the water away from the shoreline? As proposed, the trench is at the top of a steep slope and future slope stability may be affected. We recommend mitigation for new impervious surfaces on this Buffer Exempt lot in accordance with the County Zoning Ordinance at §1A-109(c)(5). The Buffer should be a priority area for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA136-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

March 23, 2000

(410) 260-7516

Fax: (410) 974-5338

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0076-V, Morris Lewis

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and well with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

This office does not oppose the redevelopment of this lot. Impacts of redevelopment should be minimized as much as possible. Total impervious surfaces are being decreased, though the new dwelling will be closer to the wetlands than the existing. We recommend mitigation for new impervious surfaces on this Buffer Exempt lot in accordance with the County Zoning Ordinance at §1A-109(c)(5). The Buffer should be a priority area for mitigation. Also, the area of the existing driveway should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA141-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

March 23, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0084-V, Charles Converse

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling with an attached deck and garage.

Because the proposed deck will be placed over existing impervious surface and replace an existing deck, this office does not oppose the variance requested. Impacts of construction should be minimized as much as possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA191-99 -

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 23, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0091-V, David and Nancy Connell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling with an attached deck.

Was the setback established for this dwelling based on the setback of adjacent houses? Will the enclosure intrude further into the Buffer than adjacent houses? Provided that these questions do not raise any problems, given the fact that no ground disturbance will occur, this office does not oppose the variance requested. However, we are concerned with the proximity to the water. Would it be possible to enclose a portion of the side deck for additional living space instead of the water front deck? We recommend mitigation for new impervious surfaces on this Buffer Exempt lot in accordance with the County Zoning Ordinance at § 1A-109(c)(5). The Buffer should be a priority area for mitigation. The 10% pollutant reduction rule should also be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA136-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. John Swartz
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Madeline T. Parran Property, Grading/Building permit

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is proposing to clear 26,550 square feet of forest in order to construct a single family dwelling. The property is 15.293 acres in size and is mostly forested.

It appears that the level of forest clearing is below the maximum of 30% in accordance with Section 4-8.07 of the Calvert County Zoning Ordinance. Mitigation should be provided for this clearing on a 1:1 basis. It does appear however, that the amount of clearing could be further minimized if the applicant would consider condensing the limits of disturbance and reducing the amount of clearing behind the house.

Also, please note, it appears that the 100-foot Buffer from tidal wetlands may require expansion in several areas due to contiguous steep slopes, i.e., the 100-foot Buffer line lands within steep slopes. If expansion of the Buffer is warranted, the house site and some of the proposed clearing may disturb the expanded Buffer. We recommend that a new site plan, showing appropriate Buffer expansion, be prepared prior to any approvals because the house may need to be moved to avoid the Buffer.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA129-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0071-V, Kirk Diehl

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit pilings with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling and shed.

This office defers to the Maryland Department of Environment (MDE) for determinations of pier and piling issues. All appropriate approvals should be obtained from MDE. Otherwise, this office has no comment on the variance requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA131-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0090-V, Carl Hutchinson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an extension in time for the implementation and completion of a previously approved variance. The property has a split designation of LDA/RCA and is currently undeveloped.

A modified conditional variance was granted to this applicant for construction of a single family dwelling on this lot. Provided the conditions of the previous order are followed, this office does not oppose the variance requested. However, please note, the site plan included with the current variance application does not match the site plan included as Appendix A of the decision document for Case Number 1999-0005-V. This should be clarified.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA20-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0092-V, Shoreline Homes, LLC

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks than required. The property is designated IDA and is currently undeveloped.

Because there are no habitat protection issues, this office has no comment on the setback variance requested. The property is designated IDA and the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA137-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0088-V, Lawrence Tomlinson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling and two sheds.

Information on the amount of existing and proposed total impervious surface was not provided. Provided that the impervious surface limits are not exceeded by this proposal, this office has no comment on the setback issue.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA135-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

March 20, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0077-V, Scott Blacketter

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure in the front yard with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because impervious surfaces are not an issue and there are no impacts to Habitat Protection Areas, this office has no comment on this setback variance. Vegetation which is removed should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA132-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

March 17, 2000

Ms. Suzanne Diffenderfer
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0302-V, John B. Lauer (BA 104-99V)

Dear Ms. Diffenderfer:

This office would like to comment on the case referenced above. The applicant applied for a variance to permit a patio with less setbacks and Buffer than required. The Administrative Hearing Officer granted a modified variance with the condition that the patio forward of the deck and paving blocks surrounding the patio be removed. The applicant is appealing the decision of the Administrative Hearing Officer. The subject property is designated IDA and is within a Buffer Exemption Area (BEA).

Section 1A-109 of the Anne Arundel County Zoning Ordinance describes the County's Buffer Exemption and Enhancement Program. It states, "no new impervious surface shall be placed nearer to the shoreline than the existing principal structure except by variance." The subject patio was built without any such variance. The ordinance continues to state that, **"expansion of existing structures and new accessory structures shall be designed and located to maximize the distance from the shoreline or enhance and protect the environmentally sensitive features on the site."** While the Buffer Exemption provisions were created to provide some flexibility and recognize that there were existing grandfathered lots with development already in the Buffer and lots that could not be developed outside of the Buffer, development within BEAs is supposed to maximize the functions of the Buffer that remain.

This office does not oppose the variance requested for the patio under the existing deck but can not support the variance for the patio forward of the deck. Only the portion of the patio under the deck maximizes the distance of the shoreline. Under Section 11-102.1(c) of the County Zoning Ordinance, any variance must be the minimum to afford relief. Limiting the patio to the area under the deck would provide reasonable and significant use while minimizing impacts to the Buffer and minimizing the request. Should any approval be

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Ms. Suzanne Diffenderfer
March 17, 2000
Page 2

granted, this office recommends mitigation at a 2:1 ratio for new impervious surfaces within the Buffer in accordance with Section 1A-109(c)(5) of the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record in this appeal. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA398-99

In accordance with Courts and Judicial Proceedings Article, Annotated Code of Maryland, §10-204, this is a true copy of a public record of the Chesapeake Bay Critical Area Commission.



Custodian of Record

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 17, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0046-V, Bateman Builders

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and buffer than required. An inground swimming pool is also proposed to be constructed partially within the Buffer. The property is designated LDA and is currently developed with a house and garage. This property is not Buffer Exempt.

This office does not oppose the redevelopment of this lot. However, new impacts should be minimized and the variance requested the minimum to provide relief. As proposed, it does not appear that new impacts have been minimized. While the existing house and garage are located within the Buffer, the proposed dwelling with an attached 3 car garage and swimming pool significantly increase total impervious surfaces within the Buffer. (Over the whole site, impervious surfaces will increase 1934 square feet.) This office recommends that there be no net increase in impervious surface within the Buffer and that any such impervious surface be located no closer to the water than existing structure.

With regard to the swimming pool, a swimming pool is a non-water dependent accessory use and therefore should not be permitted within the Buffer. With a slight shift of the driveway, the pool can be placed outside of the Buffer, minimizing the variance requested.

Again, while we do not oppose redevelopment of this lot, we oppose the extent of the variance requested as well as the proposed swimming pool within the Buffer. This lot is not Buffer Exempt and new development should be placed outside of the Buffer as much as possible. Should any approval be granted, this office recommends mitigation at a 3:1 ratio for new disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: AA82-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

March 15, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0064-V, Kenneth Parsons

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the citing of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized. The proposed dwelling appears to be of significant size, in a neighborhood of various sized dwellings. There is also a wrap-around deck completely around the dwelling. If some of the deck were eliminated and the house moved up to the front building restriction line, it appears that impacts would be reduced. It also may be appropriate to reduce the footprint of the dwelling. As proposed, development would disturb over 50% of the lot. At the minimum, impacts should be limited to the LDA portion of the property.

With regard to mitigation and ensuring that the grant of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area, the proposed minimum Buffer planting is insufficient. It is not clear where the existing 6 trees are or why it is necessary to remove them (given the location of the tree line on the site plan). Given the difficult soils on this site, it is recommended that these existing oak trees and others are preserved. Also, the proposed 1:1 mitigation for the new impervious surface may be appropriate for an LDA site but it is not appropriate for an LDA/RCA lot, completely within the 100-foot Buffer. We recommend mitigation at a 3:1 ratio, with the Buffer as a priority location for this mitigation. The existing trees along the edge of the wetlands should not be disturbed.

Also, Commission staff has noted that this dwelling is being proposed in conjunction with one on Lot A, the subject of Variance Case 2000-0066-V. The proposed private road to serve these two dwellings is located wholly within the Buffer. Why is the road proposed to be 14 feet wide on a 12-foot wide right-of-way? Also, we have noted that the road will be connected to Lake

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(410) 822-9047 Fax: (410) 820-5093



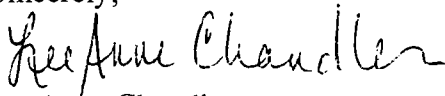
Mr. Kevin Dooley
March 15, 2000
Page 2

Avenue via Lot 58, owned by the applicant. It appears that the impervious surface on Lot 58 will far exceed that permitted (necessitating a variance?) and all of the woodland (3600 square feet) will be removed. Mitigation should be provided for all disturbance and impervious surface associated with the road as well as the disturbance on the individual lots.

Again, this office does not oppose the citing of a dwelling on Lot C, but there are opportunities to further reduce impacts.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA113-00

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0066-V, Kenneth Parsons

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the citing of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized. The proposed dwelling appears to be of significant size, in a neighborhood of various sized dwellings. There is also a large deck across the entire back of the dwelling. It appears that the deck will be located in the tidal wetland, effectively eliminating all of the Buffer. Has the applicant received authorization from the Maryland Department of the Environment for this wetland impact? Impacts could be minimized if the house were flipped (mirror-image) to sit in the eastern corner of the lot dwelling. Eliminating some of the deck and driveway would also be appropriate. As proposed, development will disturb 50% of the lot.

With regard to mitigation and ensuring that the grant of a variance will not adversely affect water quality or adversely impact fish, wildlife or plant habitat within the Critical Area, the proposed minimum Buffer planting is insufficient. It is not clear where the existing 3 trees are or why it is necessary to remove them (given the location of the tree line on the site plan). Given the difficult soils on this site, it is recommended that these existing oak trees and others are preserved. Also, the proposed 1:1 mitigation for the new impervious surface may be appropriate for an IDA site but it is not appropriate for an LDA/RCA lot, completely within the 100-foot Buffer. We recommend mitigation at a 3:1 ratio, with the Buffer as a priority location for this mitigation. The existing trees along the edge of the wetlands should not be disturbed.

Also, Commission staff has noted that this dwelling is being proposed in conjunction with one on Lot C, the subject of Variance Case 2000-0064-V. The proposed private road to serve these

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(410) 822-9047 Fax: (410) 820-5093

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Mr. Kevin Dooley
March 15, 2000
Page 2

two dwellings is located wholly within the Buffer. Why is the road proposed to be 14 feet wide on a 12-foot wide right-of-way? Also, we have noted that the road will be connected to Lake Avenue via Lot 58, owned by the applicant. It appears that the impervious surface on Lot 58 will far exceed that permitted (necessitating a variance?) and all of the woodland (3600 square feet) will be removed. Mitigation should be provided for all disturbance and impervious surface associated with the road as well as the disturbance on the individual lots.

Again, this office does not oppose the citing of a dwelling on Lot A, but there are opportunities to further reduce impacts.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: AA117-00

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0061-V, Robert & Sharyn Vogel

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required and on steep slopes. The property is designated LDA, is Buffer Exempt and is currently developed with a concrete pad.

Provided this parcel is properly grandfathered, this office does not oppose the citing of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. The constraints on this site include steep slopes, Buffer from the South River, and perhaps Buffer from the marsh area on the western side of the property. The development should provide reasonable and significant use while minimizing overall size impacts. It may be appropriate to reduce the size of the dwelling, reduce the 14 foot by 40 foot covered porch, and reduce the 10 foot wide by 15 foot set of stairs. Also, while the square footage of disturbance was not provided, it appears that proposed grading will disturb much of the lot. We recommend that the grading be further minimized. Mitigation should be provided for new impervious surfaces within the Buffer at a 2:1 ratio and for new impervious outside the Buffer at a 1:1 ratio. Given that the lot is primarily lawn, there is an opportunity use this required mitigation to plant a forested Buffer (as called for in Section 1A-105(h)(5) of the Zoning Ordinance) between the new dwelling and the water.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA110-00

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(410) 822-9047 Fax: (410) 820-5093

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

March 15, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0065-V, Dolores and Janet Seubott

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with less Buffer and setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling and garage.

This office does not oppose redevelopment of this lot. However, impacts must be minimized and the variance requested the minimum to provide relief. We recommend that the new dwelling encroach no further into the Buffer than the existing sidewalk. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer. The areas between the dwelling and the water should be a priority location for this mitigation. Also, given that the property is designated IDA, stormwater management should be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA112-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 15, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning & Code Enforcement
2664 Riva Road, MS 6301
Annapolis, Maryland 21401

RE: Variance Case No. 2000-0054-V, Armando Cignarale

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less Buffer and setbacks than required. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the citing of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized. The site plan provided does not show the entirety of lot 1. What is the topography on the northwestern portion of the lot (adjacent to Eagle Hill Road)? Are there areas that are not steep or within the Buffer? This information should be provided, because a variance request should only be made if there are no other developable areas on the parcel.

Notwithstanding the above, it appears that with slight design changes, the disturbance within the Buffer could be eliminated. For example, the house could be tilted slightly (waterfront side facing the east instead of facing the southeast) and shifted back such that Buffer disturbance would be eliminated. A more direct driveway may also reduce disturbance and minimize grading.

With regard to the proposed barn, a barn is not a water-dependent use and therefore should not be permitted within the Buffer. This area is not Buffer-exempt and the fact that there was once a structure in the proposed barn's location is irrelevant. Whatever it was, it was a nonconforming use and that use is now abandoned. There is ample area outside of the Buffer for the proposed barn. Also, the proposed access to the future pier appears to be 8 feet wide and designed for vehicular access. While access to the water is permitted, disturbance for access should be kept to the minimum necessary and the path should be of pervious material and an appropriate width.

We recommend mitigation for all disturbance within the Buffer at a 3:1 ratio. Also, the forest


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Mr. Kevin Dooley
March 15, 2000
Page 2

clearing outside of the Buffer should be mitigated at a 1:1 ratio in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA93-00

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 14, 2000

Mr. Kenneth L. McLawhon, Town Manager
Town of Indian Head
4195 Indian Head Highway
Indian Head, MD 20640

RE: Site Plan, Ken Ammar

Dear Mr. McLawhon:

Thank you for providing information on the above referenced proposal. Commission staff has reviewed the information provided. We would like to offer the following comments and recommendations:

- The following information should be provided prior to moving forward with any type of development: topography and steep slope analysis; soils information; delineation of mean high water along the Potomac shoreline; delineation of all tidal and non-tidal wetlands on site; all appropriate Buffers; information on forest cover; and information on habitat protection areas. Please note that streams within the Critical Area are also protected by a minimum 100-foot Buffer.
- It is our understanding that this area of the Potomac shoreline is susceptible to significant erosion. The Buffer should be expanded as appropriate in accordance with the Town's Critical Area Ordinance. Placement of the dwelling should take the erosion rate into consideration.
- As proposed, it appears that 24,000 square feet of forest will be cleared. Mitigation should be provided at a 1:1 ratio for all clearing. Clearing is prohibited in all Buffers.
- According to the maps in our office, it appears that this property is designated Limited Development Area or LDA. Is this correct? While there are no specific Critical Area density limits, any future use of the property will be required to meet the Critical Area standards for LDA. Any disturbance or development associated with the proposed dwelling will count towards the total permitted clearing and impervious surfaces.

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Mr. Kenneth McLawhon

March 14, 2000

Page 2

- Given the forested condition of this property, this area may qualify as habitat for forest interior dwelling birds (FIDs), a designated Habitat Protection Area. The property owner should contact the Maryland Department of Natural Resources for further information on protecting FIDs.

Please accept these comments as preliminary subject to change upon receipt of the required additional information. If you have any questions or would like further information, please contact me at (410) 260-7035.

Sincerely,



LeeAnne Chandler

Natural Resources Planner

cc: Tony Redmond, Redmond-Johnson Assoc.
IH105-00



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0056-V, Julia Carraway

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

Because the addition appears to be a reasonable expansion of living space and will involve only installation of footings, this office does not oppose the variance requested. We recommend mitigation at a 3:1 ratio for new disturbance in the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA94-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0063-V, David Cutler

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling.

Because there are no habitat protection issues, this office has no comment on the setback variance requested. The property is designated IDA and the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA111-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



George John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0067-V, Carvel & Margaret Wolfe

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there is no increase in impervious surface and no clearing is proposed, this office has no comment on the setback variance requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA114-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

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March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0047-V, Gary Brobst

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. It appears that the entire lot is encompassed by steep slopes and it could not be developed with a variance. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed, it does not appear that impacts have been minimized.

This office reviewed a variance application for development of the adjacent lot by the same applicant. That variance was denied. This proposal is identical to the one previously submitted. The proposed new impervious coverage is 2141 square feet and includes the same moderately sized dwelling and a driveway. Total disturbance is 5771 square feet. Again it appears that if the house were shifted to sit straight on the lot and closer to the road, the total square footage of disturbance would be significantly reduced. The need for a 30 foot by 10 foot stormwater management device would be eliminated, further minimizing impacts.

As stated above, this office does not oppose the siting of a single family dwelling on this lot. However, there are opportunities to reduce impacts and minimize the variance necessary to provide relief. Mitigation should be provided for clearing in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA83-00

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(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman



Ren Serey
Executive Director

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March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0069-V, Peter & Karen Guthorn

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there is no increase in impervious surface and no clearing is proposed, this office has no comment on the setback variance requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA115-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



George John C. North, II
Chairman



Ren Serey
Executive Director

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March 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0070-V, Rick Baity

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because there are no habitat protection or impervious surface issues and no clearing is proposed, this office has no comment on the setback variance requested.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA116-00

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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March 6, 2000

Mr. and Mrs. Lewis Gardner
Box 372
Lovettsville, VA 20180

RE: Development activities at Waterview Estates, Wicomico County, MD

Dear Mr. and Mrs. Gardner:

Thank you for informing the Chesapeake Bay Critical Area Commission of your concerns regarding the development activities on Lot 8 of Waterview Estates in Wicomico County. This letter is in response to your request for some feedback from the Commission on this issue and in particular to your letter of February 22, 2000 to the Director of Wicomico County Planning and Zoning.

It is the Commission's understanding that Lot 8 has status as a grandfathered lot under the Critical Area Program of Wicomico County. The lot was developed with some type of structure in the past. In addition, the County issued a Critical Area Certificate of Compliance for the re-development of this lot in 1990. Apparently, yet another development proposal was put forth and approved on a plat dated 1995. The previous grandfathered structure as well as the subsequent development proposals were located within 100-feet of the present mean high water line, i.e., the Critical Area Buffer. It is our understanding that the development activity occurring at this time is located within the Buffer. The exact distance between mean high water and the structure and any setback lines which may exist appears to be the subject of disagreement between you and the County.

The Critical Area Commission does not review, approve or enforce building permits. Local jurisdictions are not required to provide the Commission with any information, except for a quarterly accounting, on building permit applications. County staff contacted the Commission to discuss development of Lot 8, after questions arose from neighbors. Based on information provided on this project and on County policy, the review and subsequent approval of the building permit for Lot 8 appear proper and consistent with previous County decisions. One such previous decision was approval of the building permit for your house on Lot 7.

In your letter of February 22, 2000, you describe the various distances between the pilings on Lot 8 and the water as well as between other neighboring houses and the water. You continue to note the distances set out on previous site plans and describe the impact of 10 years of erosion. The

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Mr. and Mrs. Lewis Gardner
March 6, 2000
Page 2

Critical Area Commission does not have the historical knowledge or technical resources to verify or invalidate any of the information provided. Rather, the County is responsible for reviewing projects based on available information and making decisions consistent with previous County practice and policy.

You have requested that the Critical Area Commission take legal action against the County for approving the construction of a dwelling in its present location on Lot 8. Ren Serey has briefed the Chairman of the Commission, Judge John C. North, II, on this issue and your request. For reasons stated above, the Commission can not be a party in your dispute with the County's interpretation of this case. The Chairman believes that the larger issue, of County policy and consistency with County and State regulations, is better addressed through the Comprehensive Review Process. As I have indicated, Commission staff is working with County staff on an update of the County's Critical Area Program and Ordinance. If you are so inclined, you are welcome to attend a regularly scheduled Commission meeting and discuss this issue with the full Commission.

I hope this letter has provided clarification on the roles of Wicomico County and the Critical Area Commission in this situation. While Commission staff is available to answer questions and provide general information, specific questions and information requests should be made directly to the County.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Ren Serey
Rick Dwyer



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0057-V, Ward and Miriam Jones

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. This lot is designated IDA. Therefore, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA95-00

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0053-V, Patrick Snapp

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office does not oppose a reasonable expansion of the deck on this dwelling. However, we recommend that the deck be expanded no further waterward than the existing deck, i.e., along the back of the house rather than further towards the water. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer. The Buffer should be a priority location for this mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA86-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0049-V, Bruce Gartner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition and driveway with disturbance to steep slopes and less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

This office does not oppose an attached garage or driveway for this house. However, impacts should be minimized as much as possible. We are concerned about the steepness of the slope, the extent of grading proposed, and potential future erosion. (The steep slope is currently fully vegetated and appears stable.) Would a retaining wall on the north edge of the driveway reduce site impacts including clearing and grading? It would be appropriate to perhaps eliminate or reduce the extra parking area of the driveway (limit the driveway width to the width of the garage) since there will still be a parking area adjacent to the street. We recommend mitigation at a 1.5:1 ratio for the proposed clearing. Stormwater management and strict sediment and erosion controls should also be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA84-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0042-V, James and Debra Leahy

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a single family dwelling and driveway.

This office does not oppose the construction of an attached deck to this single family dwelling. However, we are concerned with the proposed deck's proximity to the wetlands (44 feet). It would be appropriate to reduce the footprint of the deck and perhaps move it to the side of the dwelling to minimize impacts to the Buffer. We recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer. The Buffer should be a priority location for this mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA89-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

March 6, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0040-V, June and Jerry Dowell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling and driveway.

This office does not oppose the redevelopment of this lot. However, impacts of redevelopment should be minimized as much as possible. While the proposed redevelopment will decrease total impervious surfaces on the lot, it will also remove most of the existing trees. An effort should be made to reduce clearing. Some small landscaping areas are noted on the plan, but there are no areas where trees of significant size could be placed. We recommend that reforestation occur at a 3:1 ratio (for clearing over 30% of the trees on site) with the Buffer as the priority location for this mitigation. Stormwater management should also be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA88-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

March 3, 2000

Mr. Jordan Loran
Maryland Department of Natural Resources
Engineering & Construction Program
Tawes State Office Building, D-3
Annapolis, Maryland 21401

RE: Mini-cabins at Shad Landing, Pocomoke River State Park

Dear Mr. Loran:

At its meeting on March 1, 2000, the Chesapeake Bay Critical Area Commission approved the proposed mini-cabins and electrical transformer at Pocomoke River State Park as presented.

Thank you for providing the information necessary for Commission review and approval. If you have any questions or if there are any changes to the project as it was presented, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: 10-00, DNR

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 29, 2000

Mr. John Swartz
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Dr. V.M. Contarino, Lot 3R, Chesapeake Ranch Estates

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is proposing to clear 17,000 square feet of forest in order to construct a single family dwelling. The property is 1.0891 acres in size and is mostly forested.

As proposed, this project would require a variance from the 30% limit on forest clearing (i.e., they are proposing to clear 36% of the forest on site). From the information provided, it appears that clearing and grading on this site could be much further minimized than currently proposed. Section 4-8.07(A)(2)(b) of the County Zoning Ordinance states that, "Development activities shall be designed and implemented to minimize destruction of woodland vegetation." It appears that clearing and grading could be significantly reduced if the some of the extensive driveway were eliminated or if the house was moved slightly closer to the road. The footprint of the house could also be redesigned or reduced in size. (Please also note that as proposed, the applicant will be at the 15% limit on impervious surfaces. Any accessory structure (e.g., shed or patio) proposed in the future would also require a variance from the impervious surface limits.) We recommend that the applicant redesign the proposed development of this lot. Otherwise, the applicant should apply for a variance from the 30% clearing limit. This office could not support such a variance request.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA77-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 25, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2613, Mr. & Mrs. Sass

Dear Ms. Whitt:

Thank you for providing information on the above-referenced variance application. The applicant is requesting a variance from the Critical Area Buffer requirements as well as a variance from the impervious surface limits. The subject property is designated LDA and is developed with a single family dwelling and driveway.

This lot is located primarily within the Buffer and it appears that any expansion would require a variance. This office does not oppose the variance to the Buffer requirements with the condition that mitigation is provided. With regard to the impervious surface variance, we recommend that the applicant remove some existing impervious area such that a variance would not be necessary. Given the heavily vegetated condition of the lot, perhaps mitigation in the form of some residential stormwater best management practice could be provided.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: CA58-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 25, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0059-V, Michel Ibrahim

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and garage.

Because the addition is no closer to the water than the existing dwelling and because impervious surfaces do not exceed the amount permitted, this office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the Buffer and at a 1:1 ratio for new impervious outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA97-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
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ge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
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February 25, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0058-V, Charles Jones

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. This lot is designated IDA. Therefore, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA96-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0018-V, Laura Fox

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently developed with two sheds.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed it does not appear that impacts have been minimized. There are opportunities to reduce impacts while developing this lot. For example, as indicated on the attached sketch, the house could be moved up to the front building restriction line. This would reduce the necessary variance from 48 feet to 27 feet and provide additional Buffer between the dwelling and the edge of tidal wetlands. We strongly recommend that the applicant redesign the development of this lot to minimize impacts to the Buffer. We recommend mitigation for disturbance to the Buffer at a 3:1 ratio.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

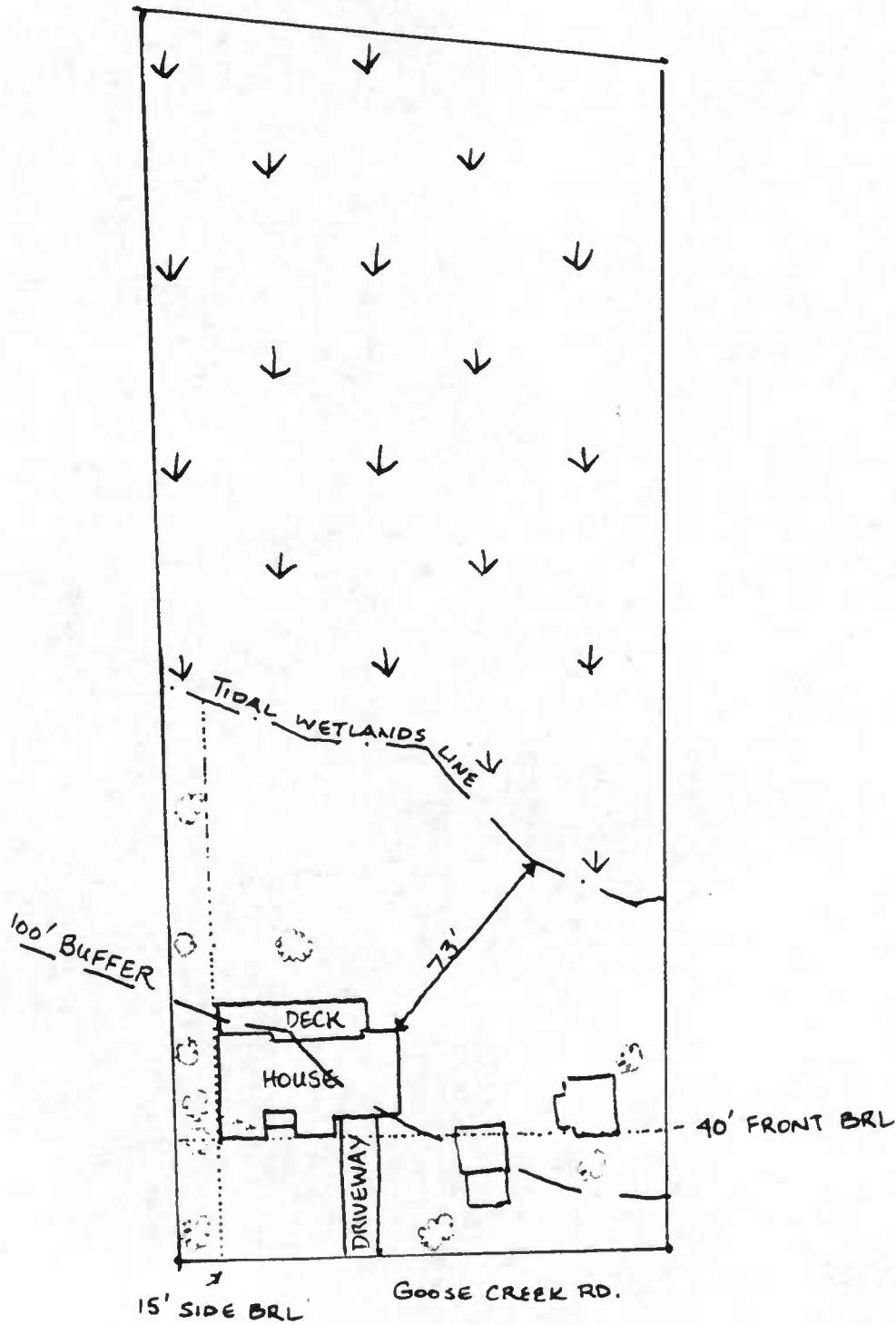
Sincerely,

LeeAnne Chandler
LeeAnne Chandler
Natural Resources Planner

cc: AA32-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

1" = 60'



Variance Case No. 2000-0018-V
Laura Fox

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

February 24, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0052-V, Joseph McKenna

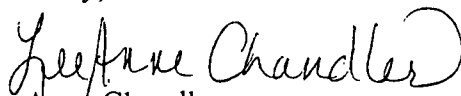
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and garage.

Because no habitat protection areas will be affected and because impervious surfaces are being reduced, this office has no comment on the setback issue. Mitigation should be provided at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA85-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 24, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0043-V, Scott Simms

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a garage addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and garage.

Because no habitat protection areas will be affected and because impervious surfaces are being reduced, this office has no comment on the setback issue. Mitigation should be provided at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA81-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 23, 2000

Mr. Doug Wetmore
Charles County Planning & Growth Management
P.O. Box B
La Plata, MD 20646

RE: RCZ Uses

Dear Mr. Wetmore:

Thank you for the opportunity to review the proposed RCZ uses table and the corresponding additions to the zoning text. Commission staff has reviewed the information provided. Based on experience gained during other jurisdictions' Comprehensive Reviews and insight into the Commission's position on these issues, we have the following comments:

1. For the zoning text changes, we recommend that Section 132, (d)(ii) be revised to read as follows:

"Existing industrial and commercial facilities, including those directly supporting agriculture, forestry and aquaculture, shall be allowed in the RCZ. Additional land may not be USED IN THE RCZ for industrial or commercial development except as provided IN FIGURE VIII-2. ALL OTHER USES PERMISSIBLE IN THE UNDERLYING BASE ZONE SHALL REQUIRE GROWTH ALLOCATION, AS ESTABLISHED IN SECTION 134."

(To address those types of uses which may be allowable in the RCZ if structural elements are located out of the RCZ, we recommend that another category be added to Figure VIII-2. See comment #7 below.)

2. For Figure VIII-2, under Uses Permitted without Additional Requirements Specific to the RCZ, we recommend that the following clarifications (as noted in **BOLD**) be provided:
 - Primary Residence with Accessory Apartment (**subject to 1 dwelling unit per 20 acre density limit**)
 - Bed and Breakfast, Tourist Homes (**in existing grandfathered structure, provided food service is limited to room guests**)

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- Shelters (not more than 8 rooms) (**delete efficiencies** as this would exceed 1 per 20 density limit)
 - Blacksmith shops (**accessory to a farm**) (Delete **welding shops, ornamental iron works, machine shops and sheet metal shops** due to their commercial/industrial nature)
3. For Figure VIII-2, under Uses Permitted with Maximum Impervious Surface of the Lessor of 15% of the Site Area or 20,000 square feet, based on Commission members' views during previous discussions, we recommend that the following uses be deleted from this list due to their clearly commercial nature and intensity of use:
- Group homes (9 to 16 occupants)
 - Day Care Centers (between 7 and 30 recipients)
 - Elderly Care Homes (between 9 and 16 recipients)
 - Nursing Care Institutions
 - Nursery/Day Care Centers (greater than 30 recipients)
 - Antique Shops and Art Galleries
4. Under the same list, the use category for Social, Fraternal Clubs and Lodges, Union Halls, Meeting Halls and similar uses should be further clarified. We recommend that this be limited to **service organizations and non-profit charitable and philanthropic organizations or institutions**.
5. Again under the same list, Research Facilities and Laboratories should be limited to those that are **non-commercial**.
6. The following uses could be moved to the list of Uses Permitted Without Additional Requirements, with clarification as noted:
- Fire Stations, Rescue Squads & Ambulance Services (**excluding reception hall and similar commercial accessory uses**)
 - Veterinary Offices and Hospitals (**if accessory to a farm**)
7. As referenced in comment #1 above, we recommend that a third list be added to Figure VIII-2 to address those uses that may be permitted in the RCZ provided that the area of structural elements is outside the RCZ or obtains growth allocation. We suggest the following:

Mr. Doug Wetmore
February 23, 2000
Page 3


Uses Permitted if Structural Elements are Located Outside of the RCZ

Horticultural Sales with Outdoor Display
Commercial Greenhouse with On-site Sales
Golf and Country Clubs
Campgrounds
Rifle and Pistol Ranges, war games, archery ranges and similar uses

With the above recommended changes, Commission staff strongly supports the proposed RCZ uses list. If the County would like to discuss any of the above items with Commission members, the Commission's Program Subcommittee (who will eventually be reviewing the full Comprehensive Review package) would be happy to meet with County staff to address specific concerns. (Such meetings have been useful in the past by providing an opportunity to discuss issues informally.)

Thank you for the opportunity to comment. If you have any questions or would like further clarification, please contact me at (410) 260-7035. Also, please contact me if the County would like to meet with either Commission staff or the Program Subcommittee at any of their scheduled meetings.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

cc: Steve Magoon
Zakary Krebeck
Kip Reynolds
Kevin Vienneau
Mary Owens



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 18, 2000

Ms. Olivia Vidotto
Department of Planning and Zoning
Calvert County
150 Main St.
Prince Frederick, Maryland 20678

RE: SD-99-19, Victor Garner - Lot 5

Dear Ms. Vidotto:

Thank you for the opportunity to review the above referenced subdivision. The parent parcel contains 18.07 acres and, under the intrafamily transfer provisions, is permitted to be subdivided into a total of 3 lots. Creation of lot 5 appears to be consistent with the County's Critical Area Program, provided appropriate reforestation is required and all intrafamily transfer rules are followed. Development of lot 5 should be designed to minimize destruction of woodland vegetation in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA64-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



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Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 18, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0034-V, Omar and Genevieve Jacomini

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As currently proposed it does not appear that impacts have been minimized. There are opportunities to reduce impacts while developing this lot. For example, as indicated on the attached sketch, the house could be moved off of the steepest slopes up to the front building restriction line. This would significantly reduce impacts to the expanded Buffer and allow the steep slopes to remain stable and vegetated. We strongly recommend that the applicant redesign the development of this lot, with the understanding that the septic system will require approval by the County Health Department.

Again, while we do not oppose the siting of a single family dwelling on this lot, it appears there are opportunities to reduce impacts to this sensitive site. We recommend mitigation for disturbance to the Buffer at a 3:1 ratio. Stormwater management should also be addressed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA50-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 16, 2000

Ms. Pam Miley
Anne Arundel County
Department of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance Case #1999-0408-V, Michael Gallatin - REVISED COMMENTS

Dear Ms. Miley:

Thank you for providing information on the above referenced variance application. The applicants are requesting a variance to permit an inground pool with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is extensively developed with a house, garage, screened-in porch, attached deck, two freestanding decks, and a pier with a large platform at the end.

This office opposes the variance requested. Under the variance standards, findings must be made which demonstrate the applicant's ability to meet the standards, especially the standard of unwarranted hardship. The Commission has consistently opposed the siting of new accessory structures in the Buffer and we have the following comments regarding this application and the variance standards:

- We believe that denial of the variance does not create an unwarranted hardship for the applicant. As stated in *Belvoir Farms V. North*, 355 Md. 259 (1999), the unwarranted hardship standard, and its similar manifestations, are equivalent to the denial of reasonable and significant use of the property. The use of the entire property must be considered when determining whether a property owner has been denied reasonable and significant use of his property. In this case the applicant enjoys the use for which the property is zoned, i.e., a residence (with numerous amenities), as well as full access to the water via an extensive pier. The applicant also enjoys a **nonconforming** use of his property in the two free-standing decks within the Buffer. Use of the property as a whole should be considered, rather than whether a particular structure is a reasonable and significant use. If each proposed structure or use is considered independently of the remainder of the property, every one of them could be considered a reasonable and significant use. Applicants would not apply for variances if they did not consider a structure or use significant to them. If the entirety of the property and other factors in this case are examined, it is clear that denial of the variance would not constitute an unwarranted hardship.
- The fact that this lot is Buffer Exempt is irrelevant. The proposed swimming pool is located closer to the shoreline than the existing principal structure. Such a proposal requires a variance subject to the same strict standards as those outside of Buffer Exemption Areas.

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(410) 822-9047 Fax: (410) 820-5093

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Ms. Pam Miley
February 16, 2000
Page two

- Section 1A-104(c)(12) of the County Zoning Ordinance states that, "within limited development areas, new development activities are not permitted in the Buffer except water-dependent facilities." A swimming pool is not a water-dependent facility and therefore should not be permitted within the Buffer.
- It does not appear that denial of the variance would deprive the property owners rights commonly enjoyed. Rather, during a site visit and drive through the community, it appeared that private swimming pools are the exception rather than the norm. Also, the community has a swimming pool that is available to the community property owners. Thus, an alternative is available to this applicant so they would not be deprived of the ability to swim. It appears that permitting a private swimming pool in the Buffer would confer a special privilege to the applicant.
- It is our understanding that the applicant purchased this property recently. The applicant knew at the time of purchase that placing a swimming pool within the Buffer was not a permitted use, and as such, would require a variance. If a swimming pool is of such significance to the applicant, perhaps an alternative property should have been purchased.

The Commission opposes the construction of this pool within the Buffer. The State criteria and the County's Zoning Ordinance expressly prohibit new development activities in the Buffer, except for water-dependent facilities. Allowing a swimming pool in the Buffer does not meet the spirit and intent of the Critical Area Law to minimize the effects of human activity in the valuable and sensitive shoreline Buffer. As referenced in the *Belvoir* case, the Court of Appeals of Maryland found that variances should not be lightly granted. They noted:

The need sufficient to justify an exception must be substantial and urgent and not merely for the convenience of the applicant, inasmuch as the aim of the ordinance is to prevent exceptions as far as possible, and a liberal construction allowing exceptions for reasons that are not substantial and urgent would have the tendency to cause discrimination and eventually destroy the usefulness of the ordinance. See *Belvoir Farms v. North*, 355 Md. 259 (1999).

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance request. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Lee Arne Chandler
Natural Resources Planner

cc: Marianne D. Mason, Esq.
AA543-99

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 15, 2000

Mr. John Swartz
Calvert County Planning & Zoning
150 Main St.
Prince Frederick, Maryland 20678

RE: Little Cove on the Bay Partnership, Building/Grading Permits (B-1627)

Dear Mr. Swartz:

Thank you for providing information on the above referenced building and grading permits. The applicant is proposing to clear over 15,000 square feet of forest in order to construct a single family dwelling. The property is 1.52 acres in size and is completely forested.

From the information provided, it appears that clearing and grading on this site could be much further minimized than currently proposed. Section 4-8.07(A)(2)(b) of the County Zoning Ordinance states that, "Development activities shall be designed and implemented to minimize destruction of woodland vegetation." It appears that clearing and grading could be significantly reduced if the building envelope were moved towards the flat area of the lot, adjacent to the road. This appears to be a viable alternative for this lot. The limits of disturbance are currently set at the top of the slope and some impact to these slopes is likely. We recommend that this alternative location be considered. If the design remains as it is, would it be possible to move the water line to run adjacent to the driveway for its entire length, rather than creating additional disturbance?

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA55-00

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(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 9, 2000

Ms. Karen Wiggen
Charles County Planning
P.O. Box B
La Plata, Maryland 20646

RE: December 1999 Draft Revisions to Critical Area Program and Ordinance

Dear Ms. Wiggen:

Commission staff has reviewed the most recent draft of the proposed revisions to the County's Critical Area Program and Critical Area Overlay Ordinance. With the understanding that the Planning Commission's record (pursuant to the public hearing held on January 24, 2000) has been held open for written comments until February 23, 2000, we respectfully submit the following comments for consideration:

PROGRAM COMMENTS:

1. The acreage numbers for each designation on page 16 should remain as originally stated. The mapping mistake proposed in 1994 was not approved so acreages in each designation should remain the same. The same change should be made in the 2nd paragraph under Limited Development Areas, under Resource Conservation Areas and the in the paragraph on Growth Allocation on page 17.
2. On page 29, listing the inventory of site features, the existing topography should be shown along with a delineation of slopes 15% or greater (rather than just greater than 15%).
3. With regard to shore erosion control, page 46 mentions the cost share programs available through the Maryland Shore Erosion Program. County staff may wish to get an update from the website or talk to someone at DNR. The recently submitted final report from the Shore Erosion Task Force may change this program.
4. At the top of page 77, the bald eagle is listed as being on the Federal endangered species list (along with Long's Bittercress) but then it also states that the Bald Eagle is on the Federal threatened species list. This should be corrected. (The Bald Eagle was downlisted to threatened by the Federal government but remains listed as endangered by the State.)

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5. On page 80, under "Negotiated Bald Eagle Habitat Protection Plan," under #2, the last sentence should read, "The Planning Division will coordinate and schedule an on-site meeting ..."
6. In Appendix A, under C. "Mapping of Resource Conservation Areas", the word aquaculture is misspelled under 1.A.

ORDINANCE COMMENTS:

7. As recommended in previous comments, the ordinance should include language that specifically states that the Buffer must be established on all development sites for any change of use. We recommend that the following language be inserted in Section 131, after the first paragraph: "The Buffer shall be maintained in natural vegetation, but may include planted vegetation where necessary to protect, stabilize, or enhance the shoreline. When lands are proposed to be developed or converted to new uses, the Buffer shall be established. In establishing the Buffer, management measures shall be undertaken to provide forest vegetation that assures the Buffer functions set forth in Chapter 8 of the *Charles County Critical Area Program*."
8. In Section 136, (a)(iv) parts (c) and (f) require a functional life for certain shore erosion control structures of no less than 30 years. While Commission staff supports this concept, we are concerned that this goes beyond that required by the Maryland Department of the Environment (MDE) and may be difficult to implement. Does the County have a mechanism or the expertise to assess the life of proposed structures?
9. On a similar note, Section 136 (a) (vii) and (viii) may require more information and analysis than the State requires. How will this be assessed? How will this be coordinated with MDE?
10. Bulkheads, whether replacement or not, should not be expressly permitted in any situation. (In many cases, it is advised to place rip rap in front of old bulkheads rather than replacing with a new one.) Section 136 (a)(xii) should be revised to state that each situation will be assessed on a case by case basis.
11. On page 35 of the Program, it states that the County has a permit process in conjunction with state and Federal programs for all shoreline structures, including piers. Where are the pier regulations? How will the permit process work for shore erosion control and piers? Has MDE been given an opportunity to review and comment on these proposed regulations? While it is the County's prerogative to establish more specific standards than the State, it will be important to coordinate closely with MDE and establish a mechanism for working together on questionable projects. Situations where MDE is telling an applicant one thing and the County is telling them another should be avoided as much as possible.

Ms. Karen Wiggen
February 9, 2000
Page three

12. In accordance with Natural Resources Article §8-1808.4, the County should include a prohibition of structures on piers in the Ordinance. A copy of this section of the Critical Area Law is enclosed.

Thank you for the opportunity to submit these comments. As you know, Critical Area staff is working with the County on clarification of uses permitted in the Resource Conservation Zone. We will be providing additional comments specific to that topic in the near future. If you have any questions, please contact me at (410) 260-7035.

Sincerely,



LeeAnne Chandler
Natural Resources Planner

enc.

cc: Steve Magoon
Zakary Krebeck
Kip Reynolds
Doug Wetmore
Kevin Vienneau

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 8, 2000

Mr. Al Cohen, Town Manager
Town of Snow Hill
P.O. Box 348
Snow Hill, Maryland 21863

RE: Variance 00-001, Burbage Funeral Home

Dear Mr. Cohen:

This office has received information on the above referenced variance request. The applicant is requesting a variance from the impervious surface limits set out in Section 72-24 of the Snow Hill code. The proposed use of the property is a funeral home while the previous use was residential.

This office can not support the variance requested. The amount of impervious surface proposed is approximately 31% of the Critical Area portion of the site, far exceeding the 15% that is permitted by law in Limited Development Areas (LDA). In addition, the site plan shows an area marked "future building expansion" indicating that another variance would be necessary at some point in the future. The appropriate course of action would be for the applicant to apply for growth allocation from Worcester County. Growth allocation was established in the Critical Area Law as the mechanism to allow growth and development within the Critical Area by changing a site to a more intense designation. At 31% impervious, this site should be designated as an Intensely Developed Area (IDA), where there is no limit on the amount of impervious surface. Instead, stormwater management would be required to manage runoff from impervious surfaces to protect water quality.

Worcester County has approximately 344 acres of growth allocation remaining. Based on approximate measurements taken from the site plan, it appears that 1.6 acres of growth allocation would be necessary for this site. The applicant should provide all pertinent information to Worcester County and make a formal request for growth allocation.

Thank you for the opportunity to comment. If you have any questions or would like additional information, please contact me at (410) 260-7035.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: Tracey Greene, Maryland Office of Planning
Rudy Espinoza, Worcester County Planning

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0029-V, Thomas and Ann Bowman

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is BEA and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected and impervious surfaces are not an issue, this office has no comment on the setback variance. Mitigation for new impervious surfaces on this BEA lot should be provided in accordance with the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA48-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0030-V, James Mann

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

Because the proposed addition appears to be a reasonable expansion of living space and because it is proposed to be only 5 feet closer to the water than the existing structure, this office does not oppose the variance requested. However, impacts should be minimized as much as possible. For example, would it be possible to move the stormwater management facility and stockpile area outside of the 100-foot Buffer? (Can it be moved to sit between the house and the road rather than to the side of the house?) Mitigation for new impervious surfaces on this BEA lot should be provided in accordance with the County Zoning Ordinance. The Buffer should be a priority area for mitigation. Also, areas where impervious surfaces are removed should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA49-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0027-V, Maggio Construction Co., Inc.

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible and the variance requested the minimum to provide relief. With a large percentage of the lot identified as wetlands, it appears that any development would require a variance. We recommend that the applicant consider redesigning the dwelling, without a garage or with a smaller footprint to reduce impacts to the wetland. It appears that the house could be moved forward towards the street if the garage were eliminated from the proposal. If the amount of disturbance could be reduced to below 5,000 square feet, stormwater management may not be required, further reducing impacts. Mitigation should be provided at a 3:1 ratio for clearing such a large percentage of the site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA46-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0028-V, C.R. Massey

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently developed with a single family dwelling.

This office does not oppose redevelopment of this lot. However, new impacts to steep slopes and the expanded Buffer should be minimized as much as possible. (The limits of disturbance should be clearly identified on the site plan.) New grading should be avoided. This office recommends mitigation at a 3:1 ratio for all new disturbance within the expanded Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA47-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 974-2426 Fax: (410) 974-5338

February 7, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0022-V, Joseph Stehr

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks and greater impervious coverage than allowed. The property is designated LDA and is currently developed with a single family dwelling, shed and parking area.

This office has no comment on the setback issue. With regard to the impervious surface variance, the current level of impervious surfaces on site already exceeds that permitted by law. We recommend that the applicant remove a portion of the existing parking area in exchange for the extra square footage of impervious created by the proposed garage. Areas where impervious surfaces are removed should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA36-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0013-V, Gregory Toms

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated RCA and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected and impervious surfaces are not an issue, this office has no comment on the setback variance. The checklist provided with the application states that there is no existing vegetation on the property, though individual trees are shown on the site plan. Afforestation should be provided in accordance with §1A-104(c)(6) if appropriate.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA31-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0014-V, Joanne Johnson

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck and pool addition with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling, shed, deck and driveway.

Because no habitat protection areas will be affected, this office has no comment on the setback issue. However, because this lot is designated IDA, the 10% pollutant reduction rule should be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA33-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0016-V, Walter Tibbs

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling, shed and driveway.

Because no habitat protection areas will be affected and no additional impervious surfaces will be created, this office has no comment on the setback issue.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA34-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Executive Director

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(410) 974-2426 Fax: (410) 974-5338

February 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0453-S, Chestnut Hill Cove

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a special exception to permit the expansion of an existing community pier. The property is designated LDA and is currently developed with a 20-slip community pier.

The proposed expansion of the community pier (10 slips) appears to be within the limits set out in the Zoning Ordinance. This office does not oppose this special exception. However, please note that the existing pump-out sanitary facility may not be accessible due to the expansion. The pump out should be relocated (if necessary) to ensure it is available for all pier users. Also, all appropriate permits should be obtained from the Maryland Department of the Environment, Tidal Wetlands Division.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA30-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 974-2426

Fax: (410) 974-5338

February 2, 2000

Ms. Heidi Van Luven
Maryland Department of Transportation
10 Elm Road, Stop 150
Baltimore, MD 21240-0755

RE: Memorandum of Understanding

Dear Ms. Van Luven:

As we discussed at the January Critical Area Commission meeting, the current Memorandum of Understanding (MOU) between the Department of Transportation (Department) and the Critical Area Commission (Commission) needs to be revised to reflect changes in process and policies that have occurred since 1992. Since 1993, various revisions to the MOU have been drafted, but have never been officially finalized. Over the past few months, I have been revising the MOU with the intent of streamlining the review process to the maximum extent possible, while also ensuring consistency with the Critical Area Criteria and protection of habitat and water quality. I have enclosed a copy of the most recent draft for your review. To provide you with background information, I have also enclosed a copy of the most recent official (i.e., signed) MOU dated October 29, 1992 as well as a copies of various memos and letters regarding the MOU.

I have based this draft revision on the existing MOU as well as information contained in previous correspondence between the Department and the Commission. Some of the process (as it exists in the current MOU) may be ineffectual or impractical. Commission staff is open to suggestions for ways to improve coordination between the Department and the Commission.

Once you've had an opportunity to review the MOU, Commission staff would like to meet with you to go over any questions or concerns which may arise. I will contact you in a month or so to possibly schedule a meeting. If you have any questions in the mean time, please contact me at (410) 260-7035 (or via e-mail at lchandler@dnr.state.md.us). Thank you.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

enc.

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

February 1, 2000

Ms. Olivia Vidotto
Department of Planning and Zoning
Calvert County
150 Main St.
Prince Frederick, Maryland 20678

RE: SD-99-18, Richard Hance - Lots 6 and 7

Dear Ms. Vidotto:

Thank you for the opportunity to review the above referenced subdivision. Only lot 6 is located within the Critical Area. This subdivision appears to be a continuation of MSD-98-38. The parent parcel contained 17.43 acres in the Critical Area. Lot 6 is the 2nd of the 3 permitted lots. The creation of lot 6 containing 2.06 acres appears to be consistent with the Critical Area program provided that afforestation occurs and that all intrafamily transfer rules are followed.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this subdivision. If you have any questions or concerns, please contact me at (410) 260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA18-00

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(410) 822-9047 Fax: (410) 820-5093



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Executive Director

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January 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0474-V, South Shore Development Corporation

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. We recommend that if possible, the amount of clearing and grading be reduced to minimize impacts. This office recommends mitigation at a 3:1 ratio for all disturbance within the Buffer. Areas that are cleared and graded should be revegetated to reduce future erosion.

Also, please note, the Critical Area report states that there is a state-listed threatened species (Giant Cane) within the immediate vicinity of the lot. While it is not within the current limits of disturbance, it may still be affected by development of this lot. This species is particularly sensitive to sedimentation. All sediment and erosion control devices should be in place prior to any site disturbance and remain until the site is fully stabilized. The devices should be checked and maintained on a daily basis to reduce the potential for failure. We recommend that the applicant consult with the Natural Heritage Division of the Maryland Department of Natural Resources. Appropriate consideration should be given to any recommendations that they may make. We further recommend that a deed restriction or conservation easement be required to prohibit disturbance to the remaining vegetation on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Katherine McCarthy, DNR
AA09-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
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(410) 260-7516 Fax: (410) 974-5338

January 31, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0473-V, South Shore Development Corporation

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and on steep slopes. The property is designated RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. As proposed, 74% of the forest on-site will be cleared. We recommend that the applicant explore an alternative design with a smaller footprint (perhaps eliminating the garage) in order to reduce impacts. Also, is it possible to redesign the septic system in order for the dwelling to be sited closer to the road? This office recommends mitigation at a 3:1 ratio for all disturbance within the Critical Area Buffer. Areas that are cleared and graded should be revegetated to reduce future erosion.

Also, please note, the Critical Area report states that there is a state-listed threatened species (Giant Cane) within the immediate vicinity of the lot. While it is not within the current limits of disturbance, it may still be affected by development of this lot. This species is particularly sensitive to sedimentation. All sediment and erosion control devices should be in place prior to any site disturbance and remain until the site is fully stabilized. The devices should be checked and maintained on a daily basis to reduce the potential for failure. We recommend that the applicant consult with the Natural Heritage Division of the Maryland Department of Natural Resources. Appropriate consideration should be given to any recommendations that they may make. (The Maryland Department of the Environment does not have authority over listed species and should not be the basis for claiming no adverse impacts will occur.) We further recommend that a deed restriction or conservation easement be required to prohibit disturbance to the remaining vegetation on this lot.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: Katherine McCarthy, DNR
AA648-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case No. 00-2608

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance to build a single family dwelling with disturbance to steep slopes and with less Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts should be minimized as much as possible. It appears that the limits of disturbance could be further reduced. Also, is the outfall of the culvert under the driveway going to include any type of dissipation structure to slow down the velocity of stormwater? Given the steep slopes on this site, erosion may become a problem in the future. We recommend mitigation at a 3:1 ratio for clearing 54% of the existing forest on site. The Buffer should be a priority location for this mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA10-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



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Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0464-V, Paul Speyser

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck addition with disturbance to steep slopes in the Critical Area. The property is designated LDA and is currently developed with a single family dwelling and driveway. There is an existing deck on the southwestern side of the dwelling.

The Anne Arundel County Zoning Ordinance in §1A-105(c) states that development on slopes of 15% or greater is not permitted unless the project is the only effective way to maintain or improve the stability of the slope. From the information provided, it appears that the slope in question is currently stable. It is not clear as to how this deck will be constructed and whether or not heavy equipment will be used. This office recommends an expansion of the existing deck if necessary to provide the proposed use rather than creating additional disturbance to steep slopes on this site. We recommend that construction of any deck be done with minimal disturbance, with hand-dug footers if possible.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA644-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0469-V, Charles & Mary Jo Meizner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling, stormwater management, septic tank, driveway and well with less setbacks and Buffer than required. The property has a split designation of LDA and RCA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. This office understands that a previous variance was granted in 1998 to permit a dwelling on this lot, based on a different site plan. The currently proposed dwelling has nearly twice the footprint of the previously approved dwelling. This office recommends that the house be redesigned and the footprint made smaller in order to minimize impacts to the Buffer. Perhaps if the footprint were made smaller, the stormwater management facility could also be made smaller, further minimizing impacts. As proposed, the development would require clearing 43% of the forest on site, with disturbance as close as 20 feet from the edge of tidal wetlands. As stated above, we do not oppose the siting of a single family dwelling on this lot, however it appears that impacts could be further reduced. Mitigation should be provided at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA645-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0485-V, Mark Ford

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling and well with less setbacks and Buffer than required. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. However, impacts must be minimized and the variance requested the minimum to provide relief. Because the 100-foot Buffer encompasses nearly the entire lot, a variance would be necessary for any development. It appears that the applicant has attempted to minimize impacts by placing the dwelling at the front building restriction line. We recommend that the applicant minimize clearing as much as possible. We further recommend mitigation at a 3:1 ratio for all disturbance within the 100-foot Buffer. The Buffer should be a priority location for mitigation plantings.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA06-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0467-V, Stephen Ciborowski

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a detached garage with less setbacks than required. The property is designated IDA and is currently developed with a single family dwelling, swimming pool and driveway.

Because no habitat protection areas will be affected, this office has no comment on the setback issue. Because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA05-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Chairman



Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0491-V, Erika Skrenchuk

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck with less Buffer than required.

Because the attached deck is of reasonable size, this office does not oppose the variance requested. Mitigation in the form of native plantings should be performed at a 3:1 ratio for the disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA13-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0490-V, Robert Perry

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated LDA and is currently developed with a single family dwelling (to be replaced) and a detached garage.

This office does not oppose redevelopment of this lot. However, impacts from redevelopment should be minimized and the variance requested the minimum to provide relief. An effort should be made to minimize clearing and grading. As proposed, redevelopment would disturb 82% of this lot. Mitigation should be provided at a 3:1 ratio for all new disturbance in the expanded Buffer. Areas where impervious surfaces are being removed should be revegetated to ensure perviousness.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA12-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

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Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 27, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0005-V, Robert Callahan

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and less setbacks and Buffer than required. The property is designated IDA and is currently developed with a single family dwelling (to be replaced).

This office does not oppose redevelopment of this lot. However, impacts from redevelopment should be minimized and the variance requested the minimum to provide relief. Any redevelopment would require a variance since nearly the entire lot falls within the 100-foot Buffer. While it appears that impervious surfaces will be no closer to the water than what is existing, this proposal calls for excavating for a partial basement on the edge of steep slopes, only 40 feet from the water. We recommend that the applicant take advantage of the house footprint that is already there, rather than creating new disturbance. The limits of disturbance were not shown on the site plan. Regardless, an effort should be made to minimize clearing and grading. Mitigation should be provided at a 2:1 ratio for new impervious surface in the 100-foot Buffer and at a 1:1 ratio for new impervious outside of the Buffer. Also, because this lot is designated IDA, the 10% pollutant reduction rule should be addressed. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA15-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 24, 2000

Dr. David Brownlee
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: 4-Year Comprehensive Review

Dear Dr. Brownlee:

In early December, the issue was raised as to when Calvert County was required to do another Comprehensive Review. At that time, you suggested that the next Comprehensive Review occur in 2003, which would be four years from the approval of the map amendments (the last part of the 1996 Comprehensive Review). While the Commission understands the substantial time and effort a Comprehensive Review entails, we also are required to ensure that local Critical Area Programs and ordinances are consistent with the Critical Area Law and Criteria.

The Critical Area Law in Natural Resources Article §8-1809(g) requires local jurisdictions to review their programs and propose necessary changes every four years based on the date that the program became effective. The Calvert County Program was enacted in 1988. Accordingly, a four-year review is due in 2000. Since substantial text amendments were done in 1997, this review can be a relatively easy process. It may also be an ideal opportunity to improve implementation of the Program by concentrating on smaller details (because most significant issues were resolved in the 1996 Comprehensive Review).

Commission staff would like to meet with you to initiate the review process. At that time, we can discuss items that should be addressed during this Comprehensive Review. I will contact you next week to set up a meeting date. If you have any questions or concerns in the mean time, please feel free to contact me at (410) 260-7035.

Sincerely,

Lee Anne Chandler
Lee Anne Chandler
Natural Resources Planner

cc: Frank Jaklitsch, Planning Director
Greg Bowen, Asst. Planning Director
Dave Bourdon, Calvert County Commission Member
John Swartz, Critical Area Planner
Christine Holmberg, Critical Area Planner
Roxana Whitt, Environmental Planner

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
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(410) 260-7516 Fax: (410) 974-5338

January 21, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0009-V, John Buchko

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

This office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. Also, because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. We recommend that plantings within the Buffer (between the house and the water) be used to satisfy this requirement. Also, please note, item number 3 on the Critical Area Report enclosed with the application states that the dirt removed for the foundation "will be used in front of the house for grading for the new lawn." It is unclear if this is referring to the water side of the house. No new disturbance or grading should occur shoreward of the existing house within the 100-foot Buffer, otherwise a Buffer variance may also be necessary.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA17-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 21, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0494-V, Ronald D. Cardwell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected, this office has no comment on the setback issue. Mitigation should be provided at a 2:1 ratio for new impervious surfaces within the 100-foot Buffer and at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA14-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

January 21, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 2000-0006-V, Neil Van Malderghem

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks than required. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

Because no habitat protection areas will be affected, this office has no comment on the setback issue. Mitigation should be provided at a 1:1 ratio for new impervious surfaces outside of the Buffer. The Buffer should be a priority location for mitigation.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA16-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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(410) 260-7516 Fax: (410) 974-5338

January 14, 2000

Mr. John Swartz
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Harmon revetment, grading and building permits

Dear Mr. Swartz:

Thank you for providing information on the above referenced permits. Provided that appropriate mitigation is provided and that all areas are vegetatively stabilized, it appears that this project would be consistent with the Calvert County Critical Area Program. This office discourages grading in the Buffer, even when associated with shore erosion control projects. However, in this case, due to Hurricane Floyd damage, it appears that grading is unavoidable. As stated above, the Buffer should be revegetated immediately following construction.

Thank you for the opportunity to review these permits. If you have any questions, please contact me at (410)260-7035.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: CA03-00

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 14, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0477-V, Steve Flury

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit dwelling additions with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated LDA and is currently being developed with a dwelling approved under Variance Case No. 1998-0274-V.

Variance 1998-0274-V was approved conditioned that the house be moved outside of the 100-foot Buffer. This application is now requesting that the porch addition along with the deck be permitted within the 100-foot Buffer. Putting a porch in that location seems to violate the condition placed on the previous variance. The note on the site plan indicates that the impervious surface and disturbance for the porch was already approved under a grading permit. The site plan provided to this office with the prior variance application showed a pervious deck rather than an impervious covered porch on that side of the dwelling. What was the point of moving the house back if impervious surfaces are being placed in the 100-foot Buffer anyway?

This office recommends that all of the proposed additions, if permitted at all, be made pervious decks rather than impervious structures. We further recommend that the deck be cantilevered or that the footers be hand-dug. Additional clearing should not be permitted because more than 50% of the forest previously on site has already been removed. Any disturbance associated with additional development on this lot should be mitigated at a 3:1 ratio. Given the extensive area of grading that has or will be done, it appears that at least some of the mitigation can be done on site.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA650-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

January 13, 2000

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0479-V, Bateman Builders

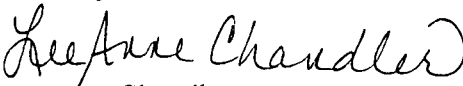
Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. While it appears that a variance would be necessary to build any dwelling on this lot, the extent of the variance requested should be the minimum to provide relief. The proposed footprint of the house is 2420 square feet. We recommend that the applicant redesign the house, perhaps with a different shape (rectangular instead of square) and smaller footprint, in order to minimize impacts to the Buffer. Also, given the level topography surrounding the house site, would it be possible to direct the stormwater away from the shoreline? We recommend mitigation at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA652-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093





Judge John C. North, II
Chairman

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Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 13, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0478-V, Bateman Builders

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this lot is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. While it appears that a variance would be necessary to build any dwelling on this lot, the extent of the variance requested should be the minimum to provide relief. The proposed footprint of the house is 2420 square feet. We recommend that the applicant redesign the house, perhaps with a different shape and smaller footprint, in order to minimize impacts to the Buffer. Also, given the level topography surrounding the house site, would it be possible to direct the stormwater away from the water (i.e., put the trench on the road side of the house)? We recommend mitigation at a 3:1 ratio for all disturbance within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA651-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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January 13, 2000

Mr. Steven Kaii-Ziegler
Office of Planning and Zoning
107 N. Liberty Street
Centreville, Maryland 21617

RE: Growth allocation availability

Dear Mr. Kaii-Ziegler:

The Critical Area Commission is updating its growth allocation files and setting up data tables to monitor use and changes to growth allocation acreage. Enclosed, please find the information we have compiled for Queen Anne's County. Our amendment files indicate that mapping errors and map changes affecting RCA acreage have increased the County's original growth allocation total by 0.43 acres. Also, 249.89 acres of growth allocation have been awarded. According to our records, the County has 1278.66 acres of growth allocation remaining.

If the County's records do not agree with these figures or if you would like additional information (e.g., copies of correspondence, etc.), please contact me at (410) 260-7035. Commission staff would be happy to meet with you to resolve any discrepancies. If I do not hear from you within the next month, I will assume that our information is correct. Thank you for your assistance with this task.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

enc.

cc: Susan Zankel
Roby Hurley
MaryAnn Skilling
Growth Allocation red file

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450





Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 10, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0455-V, Creek Property LLC - Additional Comments

Dear Ms. Morgan:


Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an access road with disturbance to steep slopes. The applicant's engineer requested a meeting with us to go over some aspects of the site plan. As a result of that meeting, some of our previous comments are irrelevant. Please accept these additional comments and submit them to the record for this variance.

It is our understanding that the location of the road has been deemed the only one acceptable to the County due to site distance safety requirements. Accordingly, this office does not oppose the variance requested. In addition, according to the engineer, the stormwater facilities within the Buffer can not be relocated due to the existing topography of the site. Nonetheless, we would like to reiterate some of our previous comments and recommendations. The proposed access road is located on forested steep slopes. Impacts such as clearing and grading should be minimized as much as possible. Mitigation for all clearing outside of the Buffer should be provided as required by the County Zoning Ordinance.

Also, as we discussed, the proposed new access road impacts the Buffer. While a Buffer variance is not required, this office recommends mitigation at a 3:1 ratio for all disturbance associated with the road within the 100-foot Buffer from tidal wetlands. This office consistently recommends mitigation at this ratio for new disturbance within the Buffer. Because there will be significant disturbance within the Buffer, including a direct outfall into tidal wetlands, this proposal warrants 3:1 mitigation as well. At least some of this mitigation should occur on-site within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,


LeeAnne Chandler
Natural Resources Planner

cc: AA632-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



Judge John C. North, II
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 4, 2000

Mr. Douglas Wetmore
Charles County Planning
P.O. Box B
La Plata, MD 20646

RE: Growth allocation availability

Dear Mr. *Doug* Wetmore:

The Critical Area Commission is updating its growth allocation files and setting up data tables to monitor use and changes to growth allocation acreage. Enclosed, please find the information we've compiled for Charles County. As you will see, the only project that has been granted growth allocation is the Robinson Terminal Project in Indian Head. According to our records, the County has 1121.10 acres of growth allocation remaining.

If the County's records do not agree with this figure, please contact me at (410) 260-7035 to discuss any discrepancies. If I do not hear from you, I will assume that our information is correct. Thank you for your assistance with this matter.

Sincerely,

LeeAnne Chandler

LeeAnne Chandler
Natural Resources Planner

cc: Growth Allocation red file

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450



John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 4, 2000

Ms. Charlene Morgan
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0455-V, Creek Property LLC

Dear Ms. Morgan:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an access road with disturbance to steep slopes.

According to the notes on the subdivision plat, this access road will improve an existing gravel road to serve four grandfathered lots that were recently resubdivided. (Please note that it is not clear that the existing gravel road impacts the steep slopes on this site; rather, the area of the new road appears to be fully forested.) Provided that there are no other alternatives for the location of the road, this office does not oppose the variance requested. However, impacts such as clearing and grading should be minimized as much as possible. For example, the extraneous grading associated with the "entrance wall" could be eliminated. This may allow the road to be shifted a bit to the left (southwest), reducing impacts on steep slopes. As proposed, the road appears to be over-engineered (e.g., an 8 1/2 foot - wide storm drain outfall) to serve only 4 lots. Mitigation for all clearing should be provided as required by the County Zoning Ordinance.

Also, as we discussed, the new access road also impacts the Buffer, though it does not require a variance. A portion of the proposed stormwater pond on the northern side of the road is also in the Buffer. This pond should be shifted outside the Buffer if possible. This office recommends mitigation at a 3:1 ratio for all disturbance associated with the road within the 100-foot Buffer from tidal wetlands. At least some of this mitigation should occur on-site within the Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA632-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

January 4, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0451-V, Thomas Welsh

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA and is currently undeveloped.

Provided this parcel is properly grandfathered, this office does not oppose the siting of a single family dwelling on it. Impacts should be minimized as much as possible. The proposed house appears to be of reasonable size and is sited at the front building restriction line. Is it necessary for the area of grading to be so extensive? If possible, the amount of grading should be reduced. We recommend that the "optional" sun room be shifted to sit along the side of the house (outside of the 100-foot Buffer) if possible. This office recommends mitigation at a 3:1 ratio for all disturbance within the Buffer and expanded Buffer. Areas that are cleared and graded should be revegetated to reduce future erosion.

Also, please note, the Critical Area report mentions the existence of a threatened species (Giant Cane) on the adjacent shoreline piece of property. While it is not located on the subject property, it may still be affected by development of this parcel. This species is particularly sensitive to sedimentation. All sediment and erosion control devices should be in place prior to any site disturbance and remain until the site is fully stabilized. The devices should be checked and maintained on a daily basis to reduce the potential for failure. We recommend that the applicant consult with the Natural Heritage Division of the Maryland Department of Natural Resources. Appropriate consideration should be given to any recommendations that they may make.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA630-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



Judge John C. North, II
Chairman

Ren Serey
Executive Director

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(410) 260-7516 Fax: (410) 974-5338

January 4, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0452-V, Kathleen Smith

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with disturbance to steep slopes and with less setbacks and Buffer than required. The property is designated RCA and is currently developed with a single family dwelling.

This office does not oppose the redevelopment of this lot. Impacts should be minimized as much as possible. The limits of disturbance were not shown on the site plan so it is difficult to assess the extent of new impacts to steep slopes. It appears that the footprint of the proposed dwelling is comparable in size to the existing, with some new impacts to steep slopes (from the deck and a portion of the house) on the western side of the dwelling. We recommend that the deck footers be installed by hand or that the deck be cantilevered to reduce disturbance to the slopes. Areas where impervious surfaces are removed should be revegetated to ensure perviousness. This office recommends mitigation at a 3:1 ratio for all new disturbance within the extended Buffer.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

LeeAnne Chandler
Natural Resources Planner

cc: AA631-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

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(410) 260-7516 Fax: (410) 974-5338

January 4, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0449-V, Kevin McCann

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a deck with less setbacks and Buffer than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling and driveway.

This office does not oppose the construction of an attached deck to this single family dwelling. However, we are concerned with the proposed deck's proximity to the water (33 feet). It would be appropriate to reduce the footprint of the deck to minimize impacts to the Buffer. Also, because this lot is designated IDA, the 10% pollutant reduction rule must be addressed. We recommend that plantings within the Buffer (between the house and the water) be used to satisfy this requirement.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA628-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

Judge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

January 4, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0448-V, Stephen Bell

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling addition with less setbacks and Buffer than required and with disturbance to steep slopes. The property is designated LDA, is Buffer Exempt and is currently developed with a single family dwelling.

From the information provided, it was not clear as to the distance between the proposed addition and the water. The 100-foot Buffer and the expanded Buffer were not shown on the site plan. (During a drive-by site visit, it appeared that an addition would be quite close to the water.) Regardless, an effort should be made to reduce new impacts to the Buffer. We recommend that the applicant explore alternative designs for the garage and addition. For example, as shown on the attached sketch, the new garage could be reduced in size from 22 feet by 30 feet to 22 feet by 22 feet and pulled forward to sit flush with the front of the existing house. The proposed addition then could be shifted to the side of the house, maximizing the distance from the water. While this would necessitate a 4 foot variance from the side yard setback, it may eliminate the need for a Buffer variance. Overall site impacts should be minimized as much as possible.

We recommend mitigation for all new impervious surfaces as required by the County Zoning Ordinance. Also, the applicant proposes to channel stormwater directly into the County's stormwater management system adjacent to the property. What kind of system is it? It appears to be a natural ravine with a potential stream running through it. (If so, it should also have a 100-foot Buffer.) It may not be appropriate to handle stormwater in this manner.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

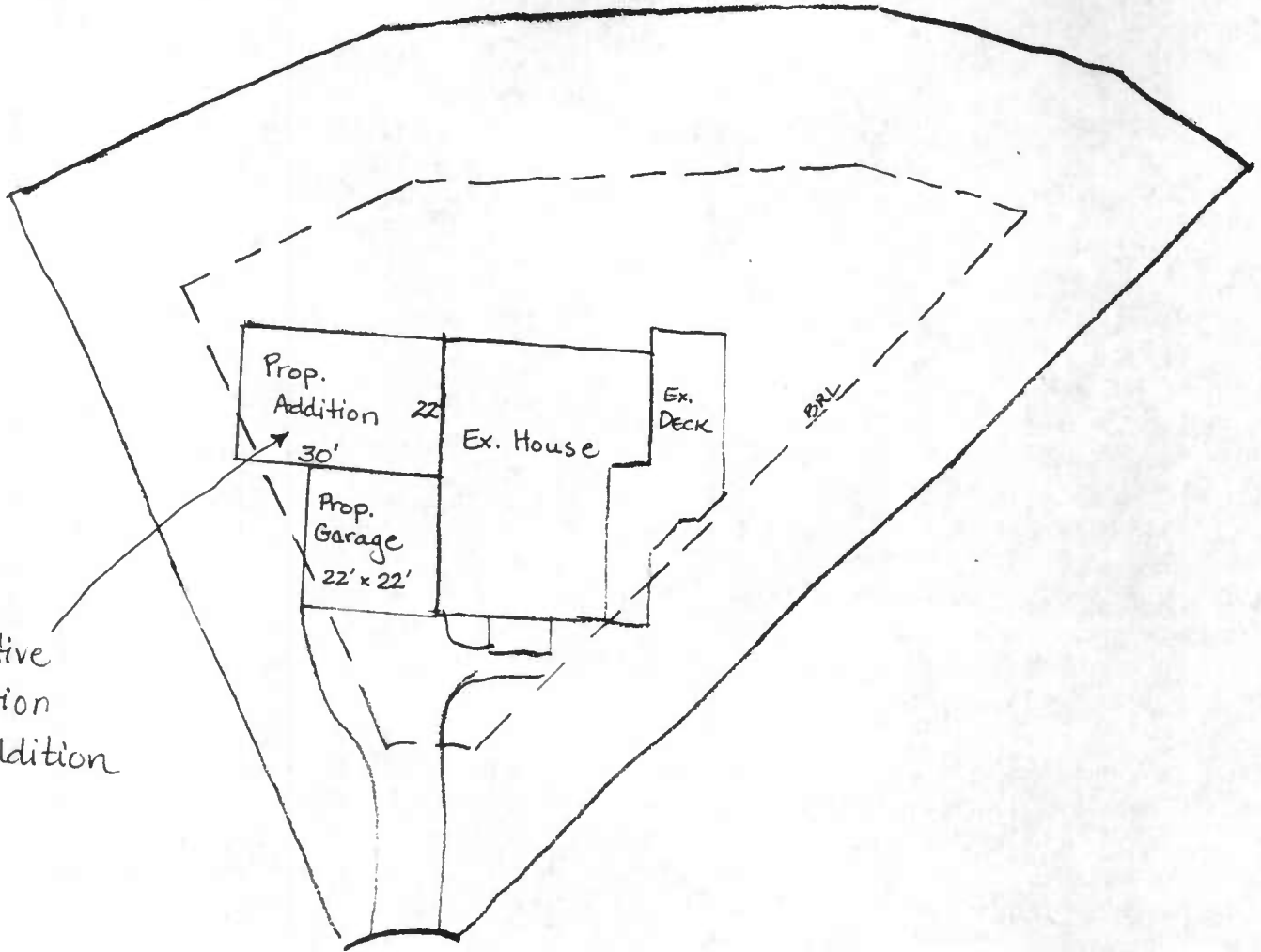
A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA627-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

WATER (?)



Alternative location for addition

John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0463-V, Steve Wood

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an addition to an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling, detached garage and paved driveway.

Because no habitat protection areas will be affected by this proposal and no increase in impervious surface is proposed, this office has no comment on the setback issue. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA643-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0472-V, Glen Wagner

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a replacement dwelling with less setbacks than required. The property is designated IDA, is Buffer Exempt and is currently developed with a single family dwelling.

Because no habitat protection areas will be affected by this proposal, this office has no comment on the setback issue. The 10% pollutant reduction rule must be addressed. Usually, on lots of this size, plantings are sufficient to meet this requirement. Also, mitigation should be provided at a 2:1 ratio for new impervious within the Buffer and at a 1:1 ratio for new impervious outside the Buffer in accordance with Section 1A-109 of the County Zoning Ordinance.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA647-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

ge John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 3, 2000

Mr. Kevin Dooley
Anne Arundel County Department of Planning and Code Enforcement
2664 Riva Road, MS 6301
Annapolis, MD 21401

RE: Variance 1999-0466-V, Don De Pol

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit an accessory structure with less setbacks than required. The property is designated LDA and is currently developed with a single family dwelling.

Because no habitat protection areas will be affected by this proposal and impervious surfaces are not an issue, this office has no comment on the setback issue. Vegetation removed in the course of construction should be replaced in kind.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA646-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093



John C. North, II
Chairman



Ren Serey
Executive Director

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CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 3, 2000

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Special Exception, 1999-0475-S, Bell Atlantic Mobile

Dear Mr. Dooley:

Thank you for providing information on the above referenced special exception application. The applicant is requesting a special exception to permit a modification to a previously approved special exception for a commercial telecommunications facility. The property is designated LDA, zoned R2 and is currently developed with a private club lodge and associated parking area.

Because no Critical Area concerns are affected by this modification, this office has no comment on this special exception.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA649-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

George John C. North, II
Chairman



Ren Serey
Executive Director

STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401

(410) 260-7516

Fax: (410) 974-5338

January 3, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #00-2606, Thomas and Rosemary Young

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the Buffer requirements in order to construct a detached garage and extend an existing driveway. The property is designated LDA and is currently developed with a dwelling, septic system, well, driveway and a shed.

This office opposes the variance requested. There is an alternative location outside of the Buffer to place the proposed garage. If the garage were placed alongside the existing driveway, a variance would not be necessary. The Calvert County Zoning Ordinance prohibits new development activities within the Buffer, except for those necessarily associated with water dependent facilities. A garage is not a water-dependent facility.

This project does not meet the required standards for the granting of a variance within the Critical Area. There are no special conditions or circumstances peculiar to the land or structure such that enforcement of the Buffer requirements would result in an unwarranted hardship. While this 3.5 acre property is encumbered by the Buffer due to its extensive waterfront and the presence of tidal wetlands, there is an opportunity to place the garage outside of the Buffer. Again, we recommend denial of this variance and suggest that an alternative location, outside of the Buffer, be used for the proposed garage.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA625-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

George John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

45 Calvert Street, 2nd Floor, Annapolis, Maryland 21401
(410) 260-7516 Fax: (410) 974-5338

January 3, 2000

Ms. Roxana Whitt
Calvert County Planning & Zoning
150 Main Street
Prince Frederick, Maryland 20678

RE: Variance Case #00-2605, Charles Stanbery

Dear Ms. Whitt:

Thank you for providing information on the above referenced variance case. The applicant is requesting a variance from the impervious surface and cliff setback requirements in order to construct a detached garage. As we discussed, it also appears that a Buffer variance is necessary because the scale indicated on the site plan is not accurate. The property is designated LDA and is currently developed with a dwelling, septic system and driveway.

This office does not oppose the construction of a garage to serve the existing dwelling. However, impacts should be minimized as much as possible. We recommend that the applicant either reduce the size of the proposed garage or remove some existing impervious surface to comply with the 25% impervious surface limit. As to the location of the proposed garage, it appears that the garage could be shifted towards the street, at least partially if not completely outside of the Buffer. This would allow the proposed use, while minimizing the impacts. With regard to the cliff setback, we recommend that stormwater from all development on this lot be directed away from the cliff to reduce the land based sources of erosion. This office recommends mitigation for all disturbance within the Buffer in accordance with the County Zoning Ordinance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: CA626-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY FOR DEAF ANNAPOLIS-974-2609 D.C. METRO-586-0450

John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CHESAPEAKE BAY CRITICAL AREA COMMISSION**

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January 3, 2000

Mr. Kevin Dooley
Anne Arundel County Dept. of Planning and Code Enforcement
2664 Riva Rd., MS 6301
Annapolis, Maryland 21401

RE: Variance, 1999-0424-V, Milon Livesay

Dear Mr. Dooley:

Thank you for providing information on the above referenced variance application. The applicant is requesting a variance to permit a dwelling with less setbacks and Buffer than required. The property is designated LDA and is currently developed with two small houses and a number of sheds and concrete pads.

This office does not oppose the redevelopment of this lot. However, impacts from redevelopment should be minimized. As currently proposed, it is not clear that this has been done. Is there public sewer available in this area? Would it be possible to obtain a connection for this property? Has this alternative been explored by the applicant? If the private septic system were eliminated, it appears that the property could be redeveloped outside of the 100-foot Buffer (removing the need for the Buffer variance). If it is not possible to eliminate the septic system, would it be possible to shift the replacement drain field into an arrangement such as the primary system? This would provide an opportunity to shift the house further away from the water and minimize the variance requested.

This office recommends mitigation at a 3:1 ratio for all new disturbance within the 100-foot Buffer. Also, please note, section 1A-105(h)(5) of the County Zoning Ordinance requires a Buffer to be reestablished within 100 feet of the shoreline. With the removal of the existing structures, there is ample opportunity to plant within this area. A Buffer management plan should be prepared and should include a combination of trees, shrubs, and ground cover.

Thank you for the opportunity to comment. Please include this letter in your file and submit it as part of the record for this special exception. Also, please notify the Commission of the decision made in this case.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Chandler".

LeeAnne Chandler
Natural Resources Planner

cc: AA593-99

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093